

**BERNALILLO COUNTY**  
**Board of County Commissioners (BCC)**  
**Administrative Meeting**

**Maggie Hart Stebbins**, Chair  
**Debbie O'Malley**, Vice Chair



**Art De La Cruz**, Member  
**Lonnie C. Talbert**, Member  
**Wayne A. Johnson**, Member

**Tom Zdunek**, County Manager

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**Agenda**

**Tuesday, November 12, 2013 @ 5:00 PM**

**VINCENT E. GRIEGO CHAMBERS**

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- 1. CALL TO ORDER**
- 2. SILENT INVOCATION AND PLEDGE OF ALLEGIANCE**
- 3. ANNOUNCEMENT OF ADDITIONS AND CHANGES TO THE AGENDA**

**A. BOARD OF COUNTY COMMISSIONERS: County Planning Commission Appointment**

Motion to approve the appointment of Javier Martinez representing Commission District 1 to the County Planning Commission.

County Code, Chapter 62, Article II establishes the County Planning Commission. The Commission is comprised of seven members who shall be residents of Bernalillo County but not employees or officers of any municipality or Bernalillo County. The purpose of the Commission is to study County planning matters and ways of protecting and improving the County.

The Commission meets monthly to hear applications for zone changes, Special Use Permits, subdivisions and appeals of decisions made by the Zoning Administrator within the unincorporated portion of Bernalillo County outside of the Extraterritorial Jurisdiction. The Commission also hears appeals of administrative decisions related to County ordinances such as those for Impact Fees, Light Pollution, Street Standards and Street Naming.

Commissioner O'Malley requests the appointment of Javier Martinez representing District 1 to the County Planning Commission. Mr. Martinez's has a Bachelors of Arts, Political Science (concentration in public policy), Minor in Spanish at the University of New Mexico in 2004. Admitted to the NM State Bar April 2012. Professional Experience for Mr. Martinez includes Partnership for Community Action, Director of Policy and General Counsel from 2005 to present.

Advice and counsel Partnership for Community Action's Executive Director, Board of Directors, and neighborhood, community, and faith-based organizations on policy issues regarding sustainable economic development, land use, substance abuse prevention, public safety and governmental financial appropriations. Served as main liaison between the Partnership and various policy-advocacy groups, and advocacy groups, and advocate on behalf of the Partnership members and non-members at the local and state level on a number of public policy issues. In addition, assisted the Executive Director in the day to day management of the organization, including proposal research, grant writing and project evaluation. Mr. Martinez works at the University of New Mexico School of Law, adjunct Professional from September 2013 to present. This will be a 3 year term expiring November 12, 2016.

**ATTACHMENTS:**

- County Planning Commission Javier Martínez Resume Nov 2013 (PDF)

**B. FINANCE: Winrock Town Center Tax Increment Development Districts Base Gross Receipts Taxes**

Motion to approve Administrative Resolution **AR 2013-\_\_\_\_\_** to include the revised 2007 gross receipts tax bases for the TIDD and Winrock Town Center TIDD 2.

In December 9, 2008, the Bernalillo County Board of Commissioners enacted Administrative Resolution-98-2008 a TIDD Formation Resolution relating to the Winrock Tax Increment Development Districts 1 and 2.

Pursuant to Section 5-15-3 (a) of the Act, the governing body that adopted a resolution to form a TIDD, in consultation with the New Mexico Taxation and Revenue Department (the Department), estimates the total amount of gross receipts taxes collected within a TIDD in the calendar year preceding the formation of the TIDD to determine the base gross receipts taxes.

On October 28th, 2013, the Department notified the County the base gross receipts tax for the Winrock Town Center TIDD District 1 and Winrock Town Center TIDD District 2 used to calculate the distributions made to each Winrock Town Center TIDD does not accurately reflect the gross receipt tax collections for the base year of 2007.

It is currently estimated for the County to receive approximately \$200,000 in gross receipts revenue following the approval of the revised 2007 Gross receipt tax base year.

**ATTACHMENTS:**

- CountyWinrockTIDDBaseline (PDF)
- FAF WTCTIDD (XLSX)
- Winrock TIDD 11-12-13 v3 (DOCX)
- Budget Comments (TXT)

**C. BUDGET & BUSINESS IMPROVEMENT: Fiscal Year 2014 Quarterly Budget Review Reconciliation**

Motion to approve Financial Resolution **FR 2013-\_\_\_\_\_** required by the State of New Mexico Department of Finance and Administration Local Government Division, for fiscal year 2014 adjustment to previously approved carryovers to the Grant Fund based on fiscal year 2013 year-end balances as of June 30, 2013 and a fiscal year 2014 adjustment to reduce the Grant Fund budget based on a settlement agreement between the State of New Mexico and Bernalillo County.

Approval of the fiscal year 2014 budget was granted by the Board of County Commissioners on April 23, 2013 with final adjustments presented September 24, 2013 and by the State of New

Mexico Department of Finance and Administration (“DFA”) Local Government Division on September 2, 2013 which is mandated by State of New Mexico Statute Section 6-6-2 NMSA 1978.

An adjustment is requested to the fiscal year 2013 unencumbered carryover Grant Fund budget for the previously approved fiscal year 2013 Cordero Mesa Grant, the fiscal year 2013 Technical Services miscellaneous small grant funding, and the fiscal year 2013 Reimbursable Contract miscellaneous small grant funding that were not submitted as part of the September budget adjustment. Approval will allow Bernalillo County to meet outstanding prior year commitments and requirements for on-going projects.

An adjustment is requested to the fiscal year 2014 Grant Fund budget to reflect a reduction for the South Valley Multipurpose Center grant funding that will not be received.

The adjustment to the fiscal year 2014 Grant Fund budget will be submitted to the State DFA simultaneously with Bernalillo County’s monthly reporting as required by the State of New Mexico Department of Finance and Administration Local Government Division.

#### **Fiscal year 2014 Grant Fund expenditure adjustment**

Approval of these three grant adjustment carryovers will ensure the continuity of prior year commitments.

Unencumbered fiscal year 2013 carryovers:

- Western Albuquerque Land Holdings Grant of \$1,523,000, to support the Cordero Mesa Business Park Water Transmission Line Project which was accepted at a regular meeting of the Board of County Commissioners of Bernalillo County held on June 11, 2013
- Technical Services miscellaneous small grant funding in the amount of \$1,019,809
- Reimbursable contract miscellaneous small grant funding in the amount of \$214,230.17

Reduce budget for State of New Mexico grant in the amount of \$1,041,692.65 in accordance with the settlement agreement between the State of New Mexico and Bernalillo County. This grant will not be received therefore an adjustment is needed to accurately reflect the budget.

#### **Fiscal Year 2014 Grant Fund Revenue Adjustment**

Fiscal year 2014 grant revenue budget will be adjusted to support the fiscal year 2014 Grant Fund budget quarterly review in the amount of \$1,715,346.52. No other revenue adjustments will be made to the fiscal year 2014 Grant Fund as a result of this action.

#### **ATTACHMENTS:**

- FR Quarterly Budget Reconciliation FY14 (DOC)
- FAF FY14 Quarterly Budget Revenue Reconciliation (XLSX)

### **D. HOUSING: Consolidated Plan for Bernalillo County Housing Department**

Motion to:

1. Award RFP#02-14-AM to Community Strategies Institute for the Consolidated Plan for Bernalillo County Housing Department.

2. Approve the Professional Services Agreement with Community Strategies Institute and Bernalillo County in the amount of \$86,015.00 plus applicable NM GRT.
3. Authorize the County Manager to execute any subsequent amendments to the Agreement.

The Consolidated Plan Document (CPD) is designed to help Bernalillo County to assess the affordable housing and community needs, market conditions, and to make data driven, place based decisions. The consolidated plan will serve as framework for Bernalillo County (most notably-the unincorporated areas of Bernalillo County) for a community dialogue to identify housing and community development priorities.

**ATTACHMENTS:**

- RFP Agreement-Community Strategies Institute (PDF)
- BCHD Consolidated Plan (XLSX)
- Summary Report-Consolidated Plan for BC Housing Department (PDF)

**4. PROCLAMATIONS**

- A. COMMISSION:** ABQ Area Firefighters Random Acts Proclamation  
Presentation of Proclamation.

**ATTACHMENTS:**

- ABQ Firefighters Random Acts Procl. 11.12.13 (DOC)

**5. CERTIFICATES AND AWARDS**

- A. COMMISSION:** Public Works FEMA Floodplain Management Acknowledgment  
Presentation of Acknowledgement

**ATTACHMENTS:**

- FEMA Floodplain Acknowledgment for 11-12-13 (DOC)

**6. PUBLIC COMMENT****7. MINUTES APPROVAL**

- A. BOARD OF COUNTY COMMISSIONERS:** Minutes of the October 8, 2013 Administrative Meeting

Motion to approve the October 8, 2013 Administrative Meeting Minutes.

**ATTACHMENTS:**

- 10-08-13 Admin (PDF)

- B. BOARD OF COUNTY COMMISSIONERS:** Minutes of October 22, 2013 Administrative Meeting

Motion to approve the October 22, 2013 Administrative Meeting Minutes.

**ATTACHMENTS:**

- 10-22-13 Admin (PDF)



**8. APPROVAL OF CONSENT AGENDA****A. COUNTY MANAGER: Management Collective Bargaining Negotiating Teams**

Motion to approve Management Collective Bargaining Team Members for FY15 Contracts.

Bernalillo County Code section 2-212 requires the county commission to designate up to four members of county management collective bargaining teams. The code also calls for a negotiating period to commence no later than 120 days before the date the next county budget is anticipated to be presented to the county commission. The county budget office anticipates that the FY15 budget will be initially presented at the April 8, 2014 commission meeting, making December 9, 2013 the start of the 120-day period identified in the county code. This time frame is designed to allow for negotiated agreements to be presented to the commission prior to the start of FY15.

To lend consistency to management teams as well as retain historical knowledge of past negotiations, the county plans to continue an approach to appointing management team members that started last year. For the majority of teams, management will appoint a core group of three members, with the fourth position occupied by a management employee with specific knowledge of the work of the bargaining group with whom negotiations may occur. For the two bargaining groups whose employees the Sheriff has oversight, the teams are proposed as two members of the core group and two members of the Sheriff's command staff.

**White Collar Management Team****AFSCME Local 2260**

Kevin Kinzie, Office of the County Manager  
Geri Maestas, Finance Division  
Matthew Marquez, Human Resources Dept.  
Michael Garcia, County Clerk's Office

**Blue Collar Management Team****AFSCME Local 1461**

Kevin Kinzie, Office of the County Manager  
Geri Maestas, Finance Division  
Matthew Marquez, Human Resources Dept.  
Mark Chavez, Parks and Rec. Dept.

**Juvenile Detention Center Employees****AFSCME Local 1536**

Kevin Kinzie, Office of the County Manager  
Geri Maestas, Finance Division  
Matthew Marquez, Human Resources Dept.  
Craig Sparks, YSC

**Bernalillo County Correction****Officers Association AFSCME Local 2499**

Kevin Kinzie, Office of the County Manager  
Geri Maestas, Finance Division  
Matthew Marquez, Human Resources Dept.  
Frank Maestas, Acting Deputy Chief, MDC

The following teams are proposed with a composition of two core members from the teams above and two members from the Bernalillo County Sheriff's Department.

**Court Security Specialists****AFSCME Local 1661**

Justin Dunlap, Captain, BCSO  
Ed Mims, Captain, BCSO  
Geri Maestas, Finance Division  
Kevin Kinzie, Office of the County Manager

**BCDSA**

Shureke "Sid" Covington, Captain, BCSO  
Matt Thomas, Captain, BCSO  
Geri Maestas, Finance Division  
Kevin Kinzie, Office of the County Manager

**B. TECHNICAL SERVICES: Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project**

Motion to authorize the County Manager to award and execute the construction contract document to the lowest responsive bidder for the Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project.

This project consists of building water and sewer infrastructure for the residences on Sunstar Loop SW off of Rio Bravo Boulevard SW and around surrounding areas. The project will provide 32 lots water service and 39 lots sewer service. This project is a part of the Valley Utilities Project and is intended to protect and enhance groundwater quality in the region through the ultimate decommissioning of private residential sewer septic systems in the neighborhood. The project requires the complete removal and replacement of existing residential roadways in order to construct the sewer and water infrastructure. While not the primary goal of the project the re-built residential roads will cost less to operate and maintain.

The project includes two MRGCD canal crossings which must be constructed before February 15<sup>th</sup>, before the 2014 irrigation season. Consequently, we must move quickly to begin construction of this project. Staff requests that the Board authorize the County Manager to award this project and execute the construction contract document with the lowest responsive bidder. The estimated total construction cost is \$3.3 million and the project duration is approximately six (6) months. The project is funded in part by a \$1.0 million Federal EPA grant. The project was advertised on October 15, and bids will be opened on November 14, 2013.

**ATTACHMENTS:**

- FAF Rio Bravo Del Rio (XLSX)
- Location Map (PDF)

**C. FLEET AND FACILITIES MGT: Multi-Award Price Agreement for Electrical Supplies**

Motion to:

1. Award RFB #0007-14-CB for Electrical Supplies.
2. Approve price agreement for the Electrical Supplies with National Electric Supply for \$250,000 annually.
3. Approve price agreement for the Electrical Supplies with Summit Electric Supply \$250,000 annually.
4. Approve price agreement for the Electrical Supplies with Graybar Electric Supply \$175,000 annually.
5. Authorize the County Manager to execute future amendments to the Electrical Supplies agreement pursuant to Administrative Resolution AR 2012-17, for the purchase of goods and services, which exceeds \$150,000.

On August 22, 2013 the Bernalillo County Purchasing Department solicited Request for Bid (RFB) #0007-14-CB for electrical supplies to support Bernalillo County Facility Management repairs and operations of electrical equipment (medium voltage, low voltage, energy efficiency, and distribution standardization). The bid opening was September 24, 2013 and four (4) bids were received from local vendors. Final award for this multiple award bid was given to three (3) vendors: National Electric Supply, Summit Electric Supply, and Graybar Electric Supply.

Award for the electrical materials was based on a list of items most frequently purchased in Fiscal Year 2013, as well as discount off of list price on materials not regularly purchased. Under each category and bid lot, vendors meeting those requirements were awarded primary or secondary providers based on the aforementioned requirements and the materials they provide.

Bid lots were identified as such:

Bid Lot 1- Energy Efficiency electrical materials  
Bid Lot 2-Low voltage electrical materials (less than 120 volts)  
Bid Lot 3-Medium voltage electrical materials (120 volts and above)  
Bid Lot 4-Square D electrical distribution equipment  
Bid Lot 5-Lithonia lighting equipment  
Bid Lot 6-Altronics power supply equipment  
Bid Lot 7-Bosch Access control equipment

The electrical supply vendors were awarded as follows:

1. Summit Electric Supply
  - 1.1. Primary Contractor -Bid Lot 1, Bid Lot 4.
  - 1.2. Secondary Contractor -Bid Lot 3, Bid Lot 5.
2. National Electric Supply
  - 2.1. Primary Contractor -Bid Lot 2, Bid Lot 3.
  - 2.2. Secondary Contractor-Bid Lot 1.
3. Graybar Electric Supply
  - 3.1. Primary Contractor-Bid Lot 5, Bid Lot 6, Bid Lot 7.
  - 3.2. Secondary Contractor- Bid Lot 2, Bid Lot 4.

Historically, Bernalillo County Fleet/Facility Management Department has utilized existing state or local contracts or used best obtainable quotations for these materials. Approval of this award will provide the County with exclusive control over pricing and contractual terms and conditions that are tailored to the needs of the County and ensure suitable cost effective electrical materials remain available to the County for proper maintenance of County-owned facilities.

Therefore, the Fleet/Facility Management Department is requesting the award of RFB #0007-14-CB to multiple vendors and approval of the associated agreements pursuant to Administrative Resolution AR 2012-17, for the purchase of electrical materials which exceeds \$150,000. Staff also requests the County Manager be authorized to amend these agreements.

**ATTACHMENTS:**

- Financial Analysis Form Electrical Supplies Materials 11 12 2013 (XLSX)

**D. FLEET AND FACILITIES MGT: Rio Grande Indoor Swimming Pool Rehabilitation Project**

Motion to:

1. Authorize the County Manager to award and execute the demolition contract document to the lowest responsible and responsive bidder for the Rio Grande Indoor Swimming Pool Rehabilitation Project
2. Authorize the County Manager to award and execute the phase I construction contract document to

the lowest responsible and responsive bidder for the Rio Grande Indoor Swimming Pool Rehabilitation Project

The Rio Grande Indoor Swimming Pool Facility is in a state of disrepair and in need of significant re-furbishing. Being that the pool is one of only three swimming pools in the South Valley, use of the facility is high. Bernalillo County contracted with Wilson and Company Engineers and Architects to design improvements to the pool. The Public Works Division and the Parks and Recreation Department have coordinated closely with Wilson and Company to come up with a high quality design that will be a safe attraction to the recreational and competitive swimmer, meet current building and ADA codes, and be energy efficient.

The upgrades to the Rio Grande pool consist of replacing the existing aluminum pan pool with a competition compliant concrete lined pool. The existing diving well cannot be made code compliant within the confines of the existing building and will be removed. The existing slide, pool deck, roof, pool filtration system and building mechanical systems will be replaced. If budget permits, the project may also include one or a combination of the following: Upgraded overhead lighting, the addition of two water closets in the women's shower room, replacing shower room tile, and/or new domestic water heaters. Each of these items will be bid as an alternate to the base bid.

Additional improvements that include a splash pad or leisure pool, a multipurpose room and an enhanced building exterior have been conceptualized as part of a future construction phase. There is currently not enough funding to consider these improvements in the first phase of construction. In order to complete the project before Memorial Day 2014, the project will consist of two back to back phases. The initial phase will involve the demolition of the existing aluminum pan pool, slide, pool deck and mechanical systems. While the demolition phase is underway, the consultant will be finishing up the design and bid package for the construction phase. The construction phase will consist of installing all the features described above.

The Demolition Phase has been advertised for bid with bid opening occurring on November 12, 2013. It is estimated that the cost of the Demolition Phase will be \$300,000 and will be completed by January 8, 2014. The construction phase will be advertised for bid the second week in December and is estimated to cost a total of \$2,621,199. Total project funding consists of \$100,000 Legislative Grants, \$417,667 Park Bonds and \$2,403,532 General Fund. We anticipate this project to be completed by May 23, 2014.

Because the pool will be completely shut down during the demolition and construction phases, improvements are scheduled for the winter months when there are fewer users. The pool will be shut down completely from November 25, 2013 until the scheduled completion date of May 23, 2014. To help facilitate this schedule, staff requests that the Board authorize the County Manager to award this project and execute the demolition and construction agreements to the lowest responsive and responsible bidders.

**ATTACHMENTS:**

- FAF Rio Grande Pool Agenda Item 11 12 2013 (XLSX)
- RG Pool Vicinity Map (PDF)
- Conceptual Pool Layout (PDF)

**9. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE**

**10. ADOPTION OF RESOLUTION**

- A. LEGAL:** A Resolution Correcting Clerical Mistakes in the Adoption of Amendments to and Subsequent Codification to the Bernalillo County Animal Care Services Ordinance

Motion to approve Administrative Resolution **AR 2013-** to correct clerical mistakes in the adoption of amendments to and subsequent codification to the Bernalillo County Animal Care Services Ordinance.

Recently an Animal Advocate contacted county officials and pointed out three clerical errors in the amendments to the Bernalillo County Animal Care Services Ordinance enacted in the administrative meeting held on November 27, 2012, and amended in the administrative meeting held on February 26, 2013. The errors are clerical. The first two errors, § 6-31, Definition of Adequate Shelter, and § 6-64 Sale and Display of Animals, are copying errors that do not affect the ordinance's validity. As such they may be corrected by resolution. The errors in § 6-56A Care and Maintenance (Companion Animals) and § 6-56B Care and Maintenance (Livestock) concern the use of italics in defined terms, the elimination of a superfluous word, "accessible", and the changing of the subsection headings from letters to numbers in the Livestock ordinance to make them consistent. The final error, the omission of the italicized words contained in the version passed by this Commission by the Compiler, is also a copying error that may be corrected by resolution.

The passage of this Resolution correcting the above-described copying errors will result in the Bernalillo County Animal Care Services Ordinance more accurately reflecting the intent of this Commission when it enacted the Ordinance and its amendments.

**ATTACHMENTS:**

- Resolution Correcting Clerical Mistakes in Animal Care Services Ordinance (DOC)
- Exhibits to Resolution(PDF)
- Animal Ord Version Final Clean (11-12-13 Version) (DOCX)

**11. APPROVALS**

**12. BOARD AND COMMITTEE APPOINTMENTS**

**A. COUNTY MANAGER: Arts Board Appointments - District 2**

Motion to approve the appointments of Ron Romero and Leo Korte to the Arts Board representing Commission District 2.

Bernalillo County Code Chapter 18, Article II created the Arts Board. The Board is comprised of 10 members whose terms shall be for three years. The intent of this Board is to promote and encourage private and public programs to further the development of public awareness of and interest in the arts and cultural properties, to increase employment opportunities in the arts and to encourage the integration of art into the architecture of County structures.

Mr. Romero's attended UNM School of Architecture, UNM School of Architecture Graduate School for one year and three years at UNM Architecture Design and Planning Assistance Center. His experience includes Instructor UNM Architecture-Appropriate Technology, Graduate student Instructor in solar retrofit, D.H. Lawrence Ranch Renovation, Instructor UNM School of Architecture-Appropriate, Technology Class-wetlands construction, Licensed General Contractor - Twenty-Eight (28) years GB98, 172 Remodel/Rehab, Forty-Three (43) Historic Preservation/Restoration Projects.

Mr. Romero has been involved in several memberships and standing committee appointments such as Landmarks and Urban Conservation Commission, City of Albuquerque, Greater Albuquerque Housing Partnership, Youth Build New Mexico, NM Heritage Preservation Alliance, Albuquerque Conservation Association, Working Classroom Inc., Homeless Advocacy Coalition, Operations Committee, City of Albuquerque Committee on Homelessness, United South Broadway Board, Vecinos Del Bosque Neighborhood Association, President, Barelas Neighborhood Association, Sawmill Land Trust Board Member, Big Brothers-Big Sisters, Women's Community Association (Shelter) Building Committee, Barelas Community Coalition, Sawmill Land Trust - Expansion Committee and the City of Albuquerque- Rail yards Advisory Board. Mr. Romero's term will be for 3 years be expiring November 12, 2016.

Mr. Leo Korte experience was 2006-2007 at law Office of Daniel Salazar, Interpreter for Federal illegal re-entries (C.C.A. Torrance County Facility) Defending inmates, plea agreements. From 2002-2003 he worked at the Law Office of Cloyd Hinkle, Research and Investigation. From 1997-2007 he worked for Korte Publishing: writer, publisher, and adopted publications for Department of Education, Book titles: *Mythological Expressions of Southwestern Design*, *Southwestern Healing Arts*, and *Sacred Passage*. From 1981-1982 he worked at the Law Office of Vince D'Angelo, Research and Investigation. From 1975-1981 he was a Restaurant Proprietor, at Senior Korte's, Portland, Oregon. From 1975-1977 he worked at the Law School Lewis and Clark Community College, Portland, Oregon. From 1973-1975 he worked at the Law office of Vince D'Angelo, Research and Investigations. From 1970-1972 he worked as a Supervisor at the Juvenile Detention Home. He has also been endorsed by Ernesto Romero, District Court Judge, and also by Ross Sanchez, District Court Judge. Mr. Korte's term will be for 3 years be expiring November 12, 2016.

**ATTACHMENTS:**

- Leo Korte Resume Arts Board (PDF)
- RON ROMERO Resume (DOCX)

**B. BOARD OF COUNTY COMMISSIONERS:** Appointment to the University of New Mexico Hospital Board of Trustees

1. Present nominations.
2. Motion to confirm the appointment to the University of New Mexico Hospital Board of Trustees.

The lease agreement between the County and the University of New Mexico Board of Regents for the lease and operation of County owned health facilities was executed in November 1999 and designated operation to the UNMH Board of Regents. Section V. "Governance" establishes a nine-member governing board. The County has the authority to appoint two members. Each of the members can serve two consecutive three-year terms. The Health Sciences Clinical Operations Board brings continuity to the fiscal issues and ensures that mental health and substance abuse programs are represented by County members on the Board. Staff received a resignation letter from Ms. Roxane Spruce Bly. Her Has submitted her resignation. This appointment is to fill her unexpired term ending April 11, 2014. The appointee would then be eligible to serve his or her first full term.

Commissioner Hart Stebbins requests the appointment of Leah Steimel to the UNMH Board of Trustees. Ms. Steimel has a Master's in Public Health from Tulane University and a Bachelor's of Social Work from Avila College. From May 2011 to August 2013 Ms. Steimel was the Director to Urban Health Partners at the University of New Mexico Health Sciences Center where she

established this office with a focus on urban health improvement and community relations as a result of reorganization and new program implementation. Guided an extensive participatory planning process to adapt the model to local needs and define county-wide goals for health improvement. Hired and supervised professional and administrative support staff, independent consultants, and student interns. Developed and monitored an annual budget of nearly \$1 million. Directed IRB-approved research to explore care patient centered medical home experiences for vulnerable, uninsured adults in Bernalillo County. Served as a team member with diverse faculty members to design and implement three courses at UNM, including; *Health Equity: Introduction to Public Health; Designing Health Communities; and Roots of Poor Health & Action at the Local Level*. From June 2006 to May 2011 she was the Director to the Office of Community Affairs at the University of New Mexico Health Sciences Center.

Commissioner Johnson requests the appointment of Christine Glidden to the UNMH Board of Trustees. Specialties Ms. Glidden holds is helping individuals and families transfer the family estate with harmony and commitment by avoiding the disagreements and fees that may follow the passing of a loved one. With over twenty years in the mental health field as a licensed psychotherapist with a specialty and certificate in addictions and years of experience in women's issues, Christine brings understanding and insight to her work. From September 2012 to present Ms. Glidden has been a Foundation Member at Anderson Abruzzo International Balloon Museum Foundation. From October 2011 - Present she is also an Associate at Wealth Management. She works with individuals and families to insure that estate transfer occurs in the presence of an established family mission agreement. Values, beliefs and visions are developed by family members so that the estate is used in the same way it was created. Heirs are prepared to make use of the estate in a way that protects it and disseminates it for the good of the entire family for generations to come. From July 2010 to Present she is an Honorary Commander at Kirtland Air Force Base. As an Honorary Commander by Colonel Maness of Kirtland Air Force Base in July 2010, she was assigned to the Army Corps of Engineers, SW Division and Colonel Antoinette Gant. Her mission is to introduce others to their respective circles of activity and influence so that they can better understand the local culture. She speaks intelligently about the Corps.

**ATTACHMENTS:**

- Leah Steimel Resume\_9\_2013 (PDF)
- UNMH ChristineGlidden Resume Nov 2013 (PDF)

**13. COMMUNICATIONS**

**14. DISCUSSION**

**A. Third Thursday Program-Albuquerque Museum**

Presentation by Debra Romero with the Albuquerque Museum to discuss the Third Thursday Program.

**B. Health Action New Mexico \$60,000 Funding Request**

**ATTACHMENTS:**

- Health Action New Mexico Proposal (PDF)

**15. ANNOUNCEMENT OF NEXT COMMISSION MEETING:**

A. Tuesday, December 10, 2013 Administrative Meeting @ 5:00 p.m., Vincent E. Griego Chambers

**16. SIGNING OF OFFICIAL DOCUMENTS**

**17. ADJOURNMENT OF MEETING**





# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Board of County Commissioners  
 Prepared By: Connie Gilman  
 Director: Tom Zdunek  
 DCM: None  
 Sponsors: O'Malley

**Title:** County Planning Commission Appointment

## **Action:**

Motion to approve the appointment of Javier Martinez representing Commission District 1 to the County Planning Commission.

## **Summary:**

County Code, Chapter 62, Article II establishes the County Planning Commission. The Commission is comprised of seven members who shall be residents of Bernalillo County but not employees or officers of any municipality or Bernalillo County. The purpose of the Commission is to study County planning matters and ways of protecting and improving the County.

The Commission meets monthly to hear applications for zone changes, Special Use Permits, subdivisions and appeals of decisions made by the Zoning Administrator within the unincorporated portion of Bernalillo County outside of the Extraterritorial Jurisdiction. The Commission also hears appeals of administrative decisions related to County ordinances such as those for Impact Fees, Light Pollution, Street Standards and Street Naming.

Commissioner O'Malley requests the appointment of Javier Martinez representing District 1 to the County Planning Commission. Mr. Martinez's has a Bachelors of Arts, Political Science (concentration in public policy), Minor in Spanish at the University of New Mexico in 2004. Admitted to the NM State Bar April 2012. Professional Experience for Mr. Martinez includes Partnership for Community Action, Director of Policy and General Counsel from 2005 to present. Advice and counsel Partnership for Community Action's Executive Director, Board of Directors, and neighborhood, community, and fail-based organizations on policy issues regarding sustainable economic development, land use, substance abuse prevention, public safety and governmental financial appropriations. Served as main liaison between the Partnership and various policy-advocacy groups, and advocacy groups, and advocate on behalf of the Partnership members and non-members at the local and state level on a number of public policy issues. In addition, assisted the Executive Director in the day to day management of the organization, including proposal research, grant writing and project evaluation. Mr. Martinez works at the University of New Mexico School of Law, adjunct Professional from September 2013 to present. This will be a 3 year term expiring November 12, 2016.

**Attachments:**

- County Planning Commission Javier Martínez Resume Nov 2013 (PDF)

**Staff Analysis Summary:**

Board of County Commissioners      Yvette Chavez Pending

**Javier Martínez**

1101 Mis Abuelitos Dr. NW  
 Albuquerque, NM 87104  
 505.553.1129

[javier@forcommunityaction.org](mailto:javier@forcommunityaction.org)

**Education**

University of New Mexico School of Law, Albuquerque, NM, May 2010

*Juris Doctor*

Clinical Honors

International and Comparative Law Honors

Admitted to the NM State Bar April 2012

University of New Mexico, Albuquerque, NM, December 2004

*Bachelors of Arts*, Political Science (Concentration in Public Policy)

Minor in Spanish

**Professional Experience**

Partnership for Community Action, Director of Policy and General Counsel: Albuquerque, NM, 2005-Present

Advise and counsel Partnership for Community Action's Executive Director, Board of Directors, and neighborhood, community, and faith-based organizations on policy issues regarding sustainable economic development, land use, substance abuse prevention, public safety and governmental financial appropriations. Serve as main liaison between the Partnership and various policy-advocacy groups, and advocate on behalf of the Partnership members and non-members at the local and state level on a number of public policy issues. In addition, assist the Executive Director in the day to day management of the organization, including proposal research, grant writing and project evaluation.

The University of New Mexico School of Law, Adjunct Professor: Albuquerque, NM September 2013 – Present

Adjunct Professor at the Southwest Indian Law Clinical program at the UNM School of Law. Supervise clinicians in day to day client representation, teach clinical courses, and coordinate clinical projects throughout New Mexico.

University of Michigan, Population Fellows Programs, Internship Coordinator: Ann Arbor, MI, 2004 - 2005

Recruited for the Population Fellows Programs, Minority-Serving Institutions (MSI) Initiative, Undergraduate Summer Internship. Developed scopes of work at non-governmental organizations throughout Latin America and sub-Saharan Africa, processed candidate applications, participated in candidate selection, developed and implemented a two-week, pre-internship orientation, conducted supervisory site-visits to interns placed in Latin America and assisted in the development and implementation of post-internship debriefing meeting. Performed database maintenance for Population Fellows Programs MSI Initiative and the Graduate Applied Project Mini-Grant Program and computer systems trainings for incoming Population Fellows. In addition, supervised student employees.

Albuquerque Partnership, Community Development Specialist: Albuquerque, NM, 2001– 2004

Researched and analyzed legislation and consulted communities throughout various sectors of the city of Albuquerque and Bernalillo County on a range of public policy issues, specifically those regarding education reform, sustainable economic development and public health. Other duties included lobbying at the Albuquerque City Council and the New Mexico State Legislature. In addition, contributed as a researcher and co-author of annual public education assessment reports.

## **Internships / Fellowships**

### El Centro de La Raza, Seattle, WA, May 2008 – August 2008

Successfully completed a part-time internship at the Executive Office of El Centro de La Raza, a non profit organization that works with impoverished communities in the greater Seattle area. Duties included the implementation of free legal clinics, and research and write a position paper on the issue of progressive politics and its relation to Latinos in higher education.

### University of California, Berkeley, Goldman School of Public Policy, Public Policy and International Affairs Fellow: Berkeley, CA, June 2003 – August 2003

Successfully completed a seven-week, graduate-level, public policy analysis program. Program focused on quantitative and economic analysis models through which we analyzed a variety of domestic and international policy issues. The program culminated in a research project and professional presentation to the Goldman School of Public Policy administration, faculty and staff.

### University of Michigan Population Fellows Program, Project Concern International, Cochabamba, Bolivia, May 2002 – August 2002

Worked as Community Health Educator and was placed by the program in the city of Cochabamba, Bolivia for three months. Duties included the development and implementation of sexual and reproductive health education fairs throughout rural Bolivia in order to help decrease teenage pregnancy rates and the propagation of sexually transmitted diseases within local communities.

### New Mexico State Legislature, Office of State Senator Shannon Robinson: Santa Fé, NM, January 2001

Selected to participate in a one-week, highly competitive internship. Processed constituent requests and staffed Senator Robinson at committee meetings.

### District Office of United States Senator Jeff Bingaman: Albuquerque, NM, September 2000 – June 2001

Received and sorted constituent casework and provided general clerical support. In addition, served as the Senator's representative to the Immigration and Naturalization Service's Naturalization Ceremonies and as interpreter to Spanish speaking constituents.

## **Skills / Professional Affiliations / Honors**

- Native Spanish Speaker
- Extensive knowledge of Microsoft Word, Excel, Access, PowerPoint, FileMaker, Westlaw and LexisNexis
- Lambda Theta Phi, Latino Fraternity, Inc., Graduate and Professional Chapter, August 2003 – Present
- Dean's List, University of New Mexico School of Law, December 2009
- Dean's List, University of New Mexico, May 2004
- Harvard University, Kennedy School of Government, Public Policy and Leadership Scholar, 2001

## **Volunteer / Community Service**

- NM Hispanic Bar Association, Board of Directors, August 2013 - Present
- New Mexico Immigrant Law Center, Founding Member and Board of Directors, October 2010 – Present
- Arbolera de Vida Homeowners Association, Board of Directors, August 2010 – March 2012
- Mexican American Law Student Association, Member, August 2007 – May 2010
- Hispano Round Table of New Mexico, Member, August 2001 – 2007
- Assn. of Immigrant Entrepreneurs, Founding Member and Board of Directors, August 2002 – January 2005
- Candidate for Albuquerque City Council, District 6, 2003



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: Finance  
Prepared By: Emily Madrid  
Director: Teresa Byrd  
DCM:

**Title:** Winrock Town Center Tax Increment Development Districts Base Gross Receipts Taxes

## Action:

Motion to approve Administrative Resolution AR 2013- to include the revised 2007 gross receipts tax bases for the TIDD and Winrock Town Center TIDD 2.

## Summary:

In December 9, 2008, the Bernalillo County Board of Commissioners enacted Administrative Resloution-98-2008 a TIDD Formation Resolution relating to the Winrock Tax Increment Development Districts 1 and 2.

Pursuant to Section 5-15-3 (a) of the Act, the governing body that adopted a resolution to form a TIDD, in consultation with the New Mexico Taxation and Revenue Department (the Department), estimates the total amount of gross receipts taxes collected within a TIDD in the calendar year preceding the formation of the TIDD to determine the base gross receipts taxes.

On October 28th, 2013, the Department notified the County the base gross receipts tax for the Winrock Town Center TIDD District 1 and Winrock Town Center TIDD District 2 used to calculate the distributions made to each Winrock Town Center TIDD does not accurately reflect the gross receipt tax collections for the base year of 2007.

It is currently estimated for the County to receive approximately \$200,000 in gross receipts revenue following the approval of the revised 2007 Gross receipt tax base year.

## Attachments:

- CountyWinrockTIDDBaseline (PDF)
- FAF WTCTIDD (XLSX)
- Winrock TIDD 11-12-13 v3 (DOCX)
- Budget Comments(TXT)

## Staff Analysis Summary:

Purchasing Annie Baca Completed 11/06/2013 2:33 PM

No comment required on the proposed motion; however, proper Purchasing procedures will be followed for any and all related procurements. Annie Baca, Senior Buyer, 11/06/2013

Risk Management Joseph Crelier Completed 11/06/2013 2:45 PM

3272: Risk Management has reviewed, and supports, the motion to approve an Administrative Resolution to include the revised 2007 gross receipts tax bases for the TIDD and Winrock Town Center TIDD 2. Joe Crelier, Risk Management Director 11/6/13.

Budget & Business Improvement Shirley Ragin Completed 11/07/2013 8:54 AM

Reviewed and approved. SMR 11/7/2013

Finance Teresa Byrd Completed 11/07/2013 3:57 PM

New Mexico Taxation and Revenue Department estimates the total amount of gross receipts taxes collected within a TIDD in the calendar year preceding the formation of the TIDD to determine the base gross receipts taxes. I recommend approval.

Legal Randy Autio Completed 11/07/2013 4:00 PM

Approved as to legl form

County Manager Tom Zdunek Completed 11/07/2013 5:19 PM

I recommend the Board accept this resolution and identify the \$200,000 for economic development proposes. T.Z. 11/7/2013

Board of County Commissioners Yvette Chavez Pending



STATE OF NEW MEXICO  
**Taxation and Revenue Department**  
 An Equal Opportunity Employer

**OFFICE OF THE SECRETARY**

**P.O. Box 630**  
**Santa Fe, NM 87504-0630**

**Susana Martinez**  
*Governor*  
**Demesia Padilla, CPA**  
*Secretary*

**DIVISIONS**

**Office of the Secretary**  
 (505) 827-0341  
**Administrative Services**  
 (505) 827-0369  
**Audit and Compliance**  
 (505) 827-0900  
**Information Technology**  
 (505) 827-2292  
**Motor Vehicle**  
 (505) 827-2296  
**Property Tax**  
 (505) 827-0870  
**Revenue Processing**  
 (505) 827-0800  
**Tax Fraud Investigations**  
 (505) 841-6544

October 28, 2013

Bernalillo County Commissioners  
 One Civic Plaza NW  
 Albuquerque, NM 87102

RE: Winrock Town Center Tax Increment Development Districts Base Gross Receipts Taxes

Dear Bernalillo County Commissioners:

In recent weeks, it has come to our attention that the base gross receipts tax for Winrock Town Center Tax Increment Development District (TIDD) 1 and Winrock Town Center TIDD 2 used to calculate the distributions made to the Winrock Town Center TIDDs do not accurately reflect the gross receipts tax collections for the base year of 2007.

After researching the issue and discussions with Bernalillo County and City of Albuquerque officials the Taxation and Revenue Department proposes the following base amounts for Winrock Town Center TIDD 1 and Winrock Town Center TIDD 2.

	District 1		District 2	
	Taxable Gross Receipts	Tax at 6.875%	Taxable Gross Receipts	Tax at 6.875%
2006-Dec	\$9,248,716	\$635,849	\$1,783,152	\$122,592
2007-Jan	\$5,916,703	\$406,773	\$1,708,365	\$117,450
2007-Feb	\$4,910,248	\$337,580	\$1,604,126	\$110,284
2007-Mar	\$5,603,361	\$385,231	\$1,731,738	\$119,057
2007-Apr	\$4,347,045	\$298,859	\$1,676,487	\$115,258
2007-May	\$4,686,458	\$322,194	\$1,682,323	\$115,660
2007-Jun	\$5,496,645	\$377,894	\$1,717,798	\$118,099
2007-Jul	\$4,565,531	\$313,880	\$1,799,098	\$123,688
2007-Aug	\$4,941,312	\$339,715	\$1,638,139	\$112,622
2007-Sep	\$5,414,116	\$372,220	\$1,537,277	\$105,688
2007-Oct	\$3,869,283	\$266,013	\$1,639,578	\$112,721
2007-Nov	\$4,672,530	\$321,236	\$1,484,901	\$102,087
Annual Total	\$63,671,948	\$4,377,446	\$20,002,982	\$1,375,205



Bernalillo County Commissioners  
 October 28, 2013  
 Page 2

Pursuant to Section 5-15-3(A) NMSA 1978, the governing body that adopted a resolution to form a district, in consultation with the Taxation and Revenue Department, estimates the total amount of gross receipts taxes collected within a TIDD in the calendar year preceding the formation of the TIDD to determine the base gross receipts taxes. Your signature below will signify that you have the authority to sign on behalf of your local government and that the local government concurs with the above base amounts. Once we receive confirmation from both governing bodies, we will proceed in changing the base amounts used to calculate the monthly distribution to the Winrock Town Center TIDDs.

If you have further questions, please let us know.

Sincerely,

  
 Demesia Padilla, CPA  
 Cabinet Secretary

Confirmed By: _____ Maggie Hart Stebbins, Chair Bernalillo County Commission	Date: _____
Confirmed By: _____ Debbie O'Malley, Vice Chair Bernalillo County Commission	Date: _____
Confirmed By: _____ Art De La Cruz Bernalillo County Commission	Date: _____
Confirmed By: _____ Lonnie C. Talbert Bernalillo County Commission	Date: _____
Confirmed By: _____ Wayne A. Johnson Bernalillo County Commission	Date: _____





# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

Date:	November 12, 2013
Action Item Title:	Winrock Town Center TIDD GRT
Department:	Economic Development
Form Prepared By: (Name, Title & Phone Number)	Emily Madrid, Special Projects, 468-7416
Form Reviewed By: (Budget Office Staff Name & Title)	Kevin Noel, Financial Services Administrator IV, 468-7081
(1 thru 5 or all) BCC District:	3

## SECTION 2: PROJECT OVERVIEW

This action requests approval of a base amount for the Winrock Town Center Tax Increment Development Districts 1 and 2. The County in conjunction with the Taxation and Revenue Department has determined a base amount for the Winrock Town Center TIDD District 1 in the amount of Sixty Three Million Six Hundred Thousand Seventy One Nine Hundred Forty Dollars and Zero Cents (\$63,671,948.00) and for the Winrock Town Center TIDD District 2 in the amount of Twenty Million Two Thousand Nine Hundred Eighty Two Dollars and Zero Cents (\$20,002,982.00)

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
RECURRING								
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
NMTRD	X		200,000	-	-	-	-	\$ 200,000
SUB-TOTAL NON-RECURRING			200,000	-	-	-	-	\$ 200,000
Total Revenues			200,000	-	-	-	-	\$ 200,000

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES** \$ 200,000

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY14	FY	FY	FY	FY	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL NON-RECURRING			-	-	-	-	-	\$ -
Sub-total Operating Expenditures			-	-	-	-	-	\$ -

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY	FY	FY	FY	FY	TOTALS
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
Sub-total Staff Cost Expenditures				-	-	-	-	-	\$ -

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES**

**TOTAL EXPENDITURES** \$ -



## FINANCIAL ANALYSIS FORM

### SECTION 5: NARRATIVE

#### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - In July 25, 2008, Winrock Partners, LLC applied to Bernalillo County for the dedication of tax increment within Districts 1 and 2. In December 9, 2008, the County Commission approved a Formation Resolution for Winrock Town Center TIDD Districts 1 and 2.

Current Impact of Proposed Action - The TIDDs will be provided tax increment distributions based on the revised gross receipt tax collections for the base year of 2007. Over distributions to the TIDD may be returned to Bernalillo County. NM Taxation and Revenue Department is calculating the total amount owed to the City of Albuquerque, State of NM, and Bernalillo County. It is estimated that the County will receive \$200,000.

Future Implications - None.

#### OTHER SIGNIFICANT ISSUES

Departmental Impacts - This action will not result in any financial impact to the Economic Development department.

Countywide Impacts - This action will not result in any financial to any other departments in Bernalillo County.

Other - None

#### JUSTIFICATION

Mandated - Pursuant to Section 5-15-3 (a) of the Act, the governing body that adopted a resolution to form a TIDD, in consultation with the New Mexico Taxation and Revenue Department (the Department), estimates the total amount of gross receipts taxes collected within a TIDD in the calendar year preceding the formation of the TIDD to determine the base gross receipts taxes.

Program Relevance - On October 28th, 2013, the Department notified the County that the base gross receipts tax for the Winrock Town Center TIDD District 1 and Winrock Town Center TIDD District 2 used to calculate the distributions made to each Winrock Town Center TIDD does not accurately reflect the gross receipt tax collections for the base year of 2007.

Other Measures - The County and City have to agree to a revised base gross receipts tax for the TIDDs in order for the Taxation and Revenue Department to provide a revised disbursement to the TIDDs. The City has agreed to the revised base.

#### ALTERNATIVES

Failure to approve the Resolution the distributions made to each Winrock Town Center TIDD will not reflect the gross receipt tax collections for the base year of 2007.

#### BUDGET / FINANCE RECOMMENDATION

Budget staff has reviewed the financial analysis form. The over-distribution results in additional revenue for Bernalillo County.

1 **BERNALILLO COUNTY**

2 **RESOLUTION NO. AR 2013-\_\_\_\_\_**

3 **A RESOLUTION APPROVING THE WINROCK TOWN CENTER TAX INCREMENT**  
 4 **DEVELOPMENT DISTRICTS BASE GROSS RECEIPTS TAX FOR**

5 **WHEREAS**, In July 25, 2008, Pursuant to the Tax Increment for Development Act, Sections 5-15-  
 6 1 through 5-15-28 NMSA 1978 (the "Act") and the Bernalillo County Tax Increment Development  
 7 Districts (the TIDD) Policy Ordinance, Winrock Partners, LLC submitted an application for the  
 8 Dedication of Tax Increment generated within the Winrock Town Center Tax Development Districts (the  
 9 Application).

10 **WHEREAS**, the Application requested dedication of gross receipts tax increment and property tax  
 11 increment generated within the proposed tax increment districts, for the purpose of constructing public  
 12 improvements, as defined in Section 5-15-3 of the Act.

13 **WHEREAS**, On December 9, 2008, the Bernalillo County Board of Commissioners enacted  
 14 Administrative Resloution-98-2008 a TIDD Formation Resolution relating to the Winrock Tax Increment  
 15 Development Districts 1 and 2.

16 **WHEREAS**, Pursuant to Section 5-15-3 (a) of the Act, the governing body that adopted a  
 17 resolution to form a TIDD, in consultation with the New Mexico Taxation and Revenue Department (the  
 18 Department), estimates the total amount of gross receipts taxes collected within a TIDD in the calendar  
 19 year preceding the formation of the TIDD to determine the base gross receipts taxes.

20 **WHEREAS**, On October 28th, 2013, the Department notified the County the base gross receipts  
 21 tax for the Winrock Town Center TIDD District 1 and Winrock Town Center TIDD District 2 used to  
 22 calculate the distributions made to each Winrock Town Center TIDD does not accurately reflect the gross  
 23 receipt tax collections for the base year of 2007.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
 25 **THE COUNTY:**

- 26 1. The County in conjunction with the Department has determined a base amount for the Winrock  
 27 Town Center TIDD District 1 in the amount of Sixty Three Million Six Hundred Thousand  
 28 Seventy One Nine Hundred Forty Eight Dollars and Zero Cents (\$63,671,948.00) and for the  
 29 Winrock Town Center TIDD District 2 in the amount of Twenty Million Two Thousand Nine  
 30 Hundred Eighty Two Dollars and Zero Cents (\$20,002,982.00);
- 31
- 32 2. The County herby consents to the Base Gross Receipts Tax provided by the Department for  
 33 Winrock Town Center Tax Improvement District 1 and Winrock Town Center Tax Improvement  
 34 Development District 2.
- 35
- 36 3. The Chair is hereby authorized to execute the Base Gross Receipts Tax confirmation letter  
 37 submitted by the Department.

1  
2  
3  
4

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**PASSED, APPROVED, ADOPTED AND SIGNED THIS 12TH DAY OF NOVEMBER, 2013.**

**BOARD OF COUNTY COMMISSIONERS**

**BERNALILLO COUNTY, NEW MEXICO**

\_\_\_\_\_  
**MAGGIE HART STEBBINS, CHAIR**

\_\_\_\_\_  
**DEBBIE O'MALLEY, VICE CHAIR**

\_\_\_\_\_  
**ART DE LA CRUZ, MEMBER**

\_\_\_\_\_  
**LONNIE C. TALBERT, MEMBER**

\_\_\_\_\_  
**WAYNE A. JOHNSON, MEMBER**

[SEAL]

**ATTEST:**

\_\_\_\_\_  
**MAGGIE TOULOUSE OLIVER, CLERK**

APPROVED AS TO FORM

\_\_\_\_\_  
RANDY AUTIO, COUNTY ATTORNEY



# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Budget & Business Improvement

Prepared By: Mario Ruiz

Director: Shirley Ragin

DCM:

**Title:** Fiscal Year 2014 Quarterly Budget Review Reconciliation

## **Action:**

Motion to approve Financial Resolution **FR 2013-\_\_\_\_\_** required by the State of New Mexico Department of Finance and Administration Local Government Division, for fiscal year 2014 adjustment to previously approved carryovers to the Grant Fund based on fiscal year 2013 year-end balances as of June 30, 2013 and a fiscal year 2014 adjustment to reduce the Grant Fund budget based on a settlement agreement between the State of New Mexico and Bernalillo County.

## **Summary:**

Approval of the fiscal year 2014 budget was granted by the Board of County Commissioners on April 23, 2013 with final adjustments presented September 24, 2013 and by the State of New Mexico Department of Finance and Administration ("DFA") Local Government Division on September 2, 2013 which is mandated by State of New Mexico Statute Section 6-6-2 NMSA 1978.

An adjustment is requested to the fiscal year 2013 unencumbered carryover Grant Fund budget for the previously approved fiscal year 2013 Cordero Mesa Grant, the fiscal year 2013 Technical Services miscellaneous small grant funding, and the fiscal year 2013 Reimbursable Contract miscellaneous small grant funding that were not submitted as part of the September budget adjustment. Approval will allow Bernalillo County to meet outstanding prior year commitments and requirements for on-going projects.

An adjustment is requested to the fiscal year 2014 Grant Fund budget to reflect a reduction for the South Valley Multipurpose Center grant funding that will not be received.

The adjustment to the fiscal year 2014 Grant Fund budget will be submitted to the State DFA simultaneously with Bernalillo County's monthly reporting as required by the State of New Mexico Department of Finance and Administration Local Government Division.

### **Fiscal year 2014 Grant Fund expenditure adjustment**

Approval of these three grant adjustment carryovers will ensure the continuity of prior year commitments.

Unencumbered fiscal year 2013 carryovers:

- Western Albuquerque Land Holdings Grant of \$1,523,000, to support the Cordero Mesa Business Park Water Transmission Line Project which was accepted at a regular meeting of the Board of County Commissioners of Bernalillo County held on June 11, 2013
- Technical Services miscellaneous small grant funding in the amount of \$1,019,809
- Reimbursable contract miscellaneous small grant funding in the amount of \$214,230.17

Reduce budget for State of New Mexico grant in the amount of \$1,041,692.65 in accordance with the settlement agreement between the State of New Mexico and Bernalillo County. This grant will not be received therefore an adjustment is needed to accurately reflect the budget.

#### **Fiscal Year 2014 Grant Fund Revenue Adjustment**

Fiscal year 2014 grant revenue budget will be adjusted to support the fiscal year 2014 Grant Fund budget quarterly review in the amount of \$1,715,346.52. No other revenue adjustments will be made to the fiscal year 2014 Grant Fund as a result of this action.

#### **Attachments:**

- FR Quarterly Budget Reconciliation FY14 (DOC)
- FAF FY14 Quarterly Budget Revenue Reconciliation (XLSX)

#### **Staff Analysis Summary:**

Budget & Business Improvement Shirley Ragin Completed 11/05/2013 1:46 PM

This is the Q1 budget review reconciliation of grant funding. The attached agenda item is asking for approval to accept the adjustments to previously approved carryovers as a result of the reconciliation. SMR 11/5/2013

Risk Management Tiffany Chamblee Completed 11/05/2013 1:48 PM

3274: Risk Management has reviewed, with no additional comment, the motion to approve a Financial Resolution required by the NMDFA, for fiscal year 2014 adjustment to previously approved carryovers to the Grant Fund based on fiscal year 2013 year-end balances. Joe Crelier, Risk Management Director 11/4/13.

Purchasing Annie Baca Completed 11/06/2013 2:32 PM

No comment required on the proposed motion; however, proper Purchasing procedures will be followed for any and all related procurements. Annie Baca, Senior Buyer, 11/05/2013

Legal Peter Auh Completed 11/07/2013 11:54 AM

The Financial Resolution is approved as to legal form. PSA

Finance Teresa Byrd Completed 11/07/2013 3:59 PM

I recommend approval of the adjustments to ensure the budget is accurately reflected.

County Manager Tom Zdunek Completed 11/07/2013 5:20 PM

I recommend Board approval to reflect adjustments of prior year carryover. This action also adjusts grant amounts and allows for submittal to the State. TZ 11/07/2013

Board of County Commissioners Yvette Chavez Pending

**BERNALILLO COUNTY**  
**FINANCIAL RESOLUTION NO. \_\_\_\_\_**

To request the following BUDGET INCREASE for the purpose of accepting and budgeting funds from FY13 Grant Fund Unencumbered Carryover to support the FY13 Cordero Mesa Business Park Grant of \$1,523,000.00, the FY13 Technical Services miscellaneous small grant funding in the amount of \$1,019,809.00, the Reimbursable Contract miscellaneous small grant funding in the amount of \$214,230.17, and the return of the State of New Mexico South Valley Multipurpose Center grant in the amount of -\$1,041,692.65.

WHEREAS, at a regular meeting of the BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY, held on November 12, 2013, the following was among the proceedings:

<u>REVENUE</u>	<u>Amount</u>
FY14 Quarterly Budget Revenue Reconciliation	
12901/RCG.2012.CORDEROMESA/465010	\$1,523,000.00
12901/TSGMISC/465010	\$1,019,809.00
12901.1/RCGMISC/465010	\$ 214,230.17
12901/LAP.2006.SO_03VL/465010	-\$1,041,692.65
<b>TOTAL REVENUE</b>	<b>\$1,715,346.52</b>
<b><u>EXPENDITURE</u></b>	
FY14 Quarterly Budget Expenditure Reconciliation	
12901/RCG.2012.CORDEROMESA/565010	\$1,523,000.00
12901/TSGMISC/565010	\$1,019,809.00
12901.1/RCGMISC/565010	\$ 214,230.17
12901/LAP.2006.SO_03VL/565010	-\$1,041,692.65
<b>TOTAL EXPENDITURES</b>	<b>\$1,715,346.52</b>

WHEREAS, the above budget increase is necessary, and funds are available from the above stated source. WHEREAS, after approval from the Department of Finance and



Page 2

Resolution # \_\_\_\_\_ |

Administration, Local Government Division, the above action shall be taken and all necessary adjustments shall be made.

NOW, THEREFORE, be it resolved by the Board of County Commissioners, the governing body of the County of Bernalillo that this budget increase having been duly heard is hereby adopted this 12th day of November, 2013.

### BOARD OF COUNTY COMMISSIONERS

Maggie Hart Stebbins, Chair

Debbie O'Malley, Vice Chair

Art De La Cruz, Member

Lonnie C. Talbert, Member

Wayne A. Johnson, Member

REVIEWED BY:

\_\_\_\_\_

Teresa Byrd, Deputy County Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

Maggie Toulouse Oliver, County Clerk

Date: \_\_\_\_\_



## FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

Date:	November 12, 2013
Action Item Title:	FY14 Quarterly Budget Revenue Reconciliation
Department:	Budget and Business Improvement
Form Prepared By: (Name, Title & Phone Number)	Stephanie Pugh, Financial Services Administrator IV, 468-7177
Form Reviewed By: (Budget Office Staff Name & Title)	Mario Ruiz, Financial Services Administrator III
(1 thru 5 or all) BCC District:	All

## SECTION 2: PROJECT OVERVIEW

Requesting Commission approval to carryover fiscal year 2013 unencumbered Grant Fund budget for the previously approved fiscal year 2013 Cordero Mesa Grant, the fiscal year 2013 Technical Services miscellaneous small grant funding, and the fiscal year 2013 Reimbursable Contract miscellaneous small grant funding that were not submitted as part of the September budget adjustment. Additionally, request commission approval to adjust the fiscal year 2014 budget to reflect the return of the State of New Mexico South Valley Multipurpose Center grant.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY14	FY	FY	FY	FY	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
CI.2003.SVMPCT (South Valley Multi-Purpose Center)		X	\$ (1,041,692.65)	-	-	-	-	\$ (1,041,692.65)
FY2013 RCG.2012.CORDEROMESA		X	\$ 1,523,000.00	-	-	-	-	\$ 1,523,000.00
FY2013 TSGMISC		X	\$ 1,019,809.00	-	-	-	-	\$ 1,019,809.00
FY2013 RCGMISC		X	\$ 214,230.17					\$ 214,230.17
SUB-TOTAL NON-RECURRING			\$ 1,715,346.52	-	-	-	-	\$ 1,715,346.52
Total Revenues			\$ 1,715,346.52	-	-	-	-	\$ 1,715,346.52

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES \$ 1,715,346.52**

## SECTION 4: EXPENDITURE &amp; STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY14	FY	FY	FY	FY	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
CI.2003.SVMPCT (South Valley Multi-Purpose Center)		X	\$ (1,041,692.65)	-	-	-	-	\$ (1,041,692.65)
FY2013 RCG.2012.CORDEROMESA		X	\$ 1,523,000.00	-	-	-	-	\$ 1,523,000.00
FY2013 TSGMISC		X	\$ 1,019,809.00	-	-	-	-	\$ 1,019,809.00
FY2013 RCGMISC		X	\$ 214,230.17					\$ 214,230.17
SUB-TOTAL NON-RECURRING			\$ 1,715,346.52	-	-	-	-	\$ 1,715,346.52
Sub-total Operating Expenditures			\$ 1,715,346.52	-	-	-	-	\$ 1,715,346.52

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY14	FY	FY	FY	FY	TOTALS
N/A				-	-	-	-	-	\$ -
Sub-total Staff Cost Expenditures				-	-	-	-	-	\$ -



# FINANCIAL ANALYSIS FORM

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

<b>TOTAL EXPENDITURES</b>							
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<b>TOTAL EXPENDITURES</b>	<b>\$ 1,715,346.52</b>
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# FINANCIAL ANALYSIS FORM

## SECTION 5: NARRATIVE

### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - (1) Approval of the fiscal year 2014 budget was granted by the Board of County Commissioners on April 23, 2013 with final adjustments presented September 24, 2013 and by the State of New Mexico Department of Finance and Administration ("DFA") Local Government Division on September 2, 2013. No in-kind or matching funds are required.

(2) State of New Mexico grant in the amount of \$1,041,692.65 for the South Valley Multipurpose Center to be returned due to the settlement agreement between the State and the County.

Current Impact of Proposed Action - (1) This request is to carryover the fiscal year 2013 unencumbered carryover Grant Fund budget of \$1,523,000 for the previously approved fiscal year 2013 Cordero Mesa Grant, fiscal year 2013 Technical Services miscellaneous small grant funding in the amount of \$1,019,809, and \$214,230.17 for fiscal year 2013 Reimbursable Contract miscellaneous small grant funding, not submitted as part of the September budget adjustment.

(2) Reversal of the grant in the amount of \$1,041,692.65 will reduce the FY14 budget.

Future Implications - (1) There is no future financial obligation to Bernalillo County associated with the carryover to fiscal year 2014 of the unencumbered Grant Fund budget from fiscal year 2013.

(2) There is no future financial obligation to Bernalillo County associated with the reversal of the grant budget in the current fiscal year.

### OTHER SIGNIFICANT ISSUES

Departmental Impacts - The Budget and Business Improvement Department will adjust fiscal year 2014 grant revenue budget to support both the fiscal year 2013 unencumbered carryovers and the grant reversal for a total adjustment of \$1,715,346.52. No other revenue adjustments will be made to the Grant Fund through this action.

Countywide Impacts - Western Albuquerque Land Holdings Grant of \$1,523,000 was accepted at a regular meeting of the Board of County Commissioners of Bernalillo County held on June 11, 2013. The carryover of fiscal year 2013 budget will allow work on the Cordero Mesa Business Park Water Transmission Line Project to move forward.

Other - The adjustment to the fiscal year 2014 Grant Fund budget will be submitted to the State DFA simultaneously with Bernalillo County's monthly reporting as required by the State of New Mexico Department of Finance and Administration Local Government Division.

### JUSTIFICATION

Mandated - State of New Mexico Statute Section 6-6-2 NMSA 1978 "...with written approval of the secretary of finance and administration, increase the total budget of any local public body in the event the local public body undertakes an activity, service, project or construction program that was not contemplated at the time the final budget was adopted and approved and which activity, service, project or construction program will produce sufficient revenue to cover the increase in the budget..."

Program Relevance - (1) Approval of the carryover budget will allow Bernalillo County to meet outstanding prior year commitments and requirements for on-going projects. (2) Reverting the grant award to the State will relieve the FY14 County budget of funding that will not be received.

Other Measures - None

### ALTERNATIVES

(1) If not approved the previously approved funding will not be available to support the Cordero Mesa Business Park Project, and other miscellaneous small grant funding throughout fiscal year 2014. (2) If reversal of the State Grant is not approved the County budget will be overstated by more than \$1 million for funding that will not be received.

### BUDGET / FINANCE RECOMMENDATION

Approval of this item will allow grant budget to be carried forward to fiscal year 2014 so non-recurring projects can be continued, completed, or started.



# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Housing  
 Prepared By: David Leroy Montoya  
 Director: Betty Valdez  
 DCM: Vince Murphy

**Title:** Consolidated Plan for Bernalillo County Housing Department

## Action:

Motion to:

1. Award RFP#02-14-AM to Community Strategies Institute for the Consolidated Plan for Bernalillo County Housing Department.
2. Approve the Professional Services Agreement with Community Strategies Institute and Bernalillo County in the amount of \$86,015.00 plus applicable NM GRT.
3. Authorize the County Manager to execute any subsequent amendments to the Agreement.

## Summary:

The Consolidated Plan Document (CPD) is designed to help Bernalillo County to assess the affordable housing and community needs, market conditions, and to make data driven, place based decisions. The consolidated plan will serve as framework for Bernalillo County (most notably-the unincorporated areas of Bernalillo County) for a community dialogue to identify housing and community development priorities.

## Attachments:

- RFP Agreement-Community Strategies Institute (PDF)
- BCHD Consolidated Plan (XLSX)
- Summary Report-Consolidated Plan for BC Housing Department (PDF)

## Staff Analysis Summary:

Housing Betty Valdez Completed 10/23/2013 2:40 PM

Purchasing Anita Maldonado Completed 10/30/2013 11:08 AM

Proper Purchasing procedures were followed in the solicitation, evaluation, and award of of RFP#02-14-AM Consolidated Plan for Bernalillo County Housing Department. Contract Control Number 2013-0801 has been assigned to the Professional Services Agreement and the Contractor will sign it after Board of County Commissioners approval.

Risk Management Tiffany Chamblee Completed 10/30/2013 11:44 AM

3248: Risk Management has reviewed, with no additional comment, the motion for the BCHD Consolidated Plan Document for Bernalillo County, and Professional Services Agreement with Community Strategies Institute and Bernalillo County in the Amount of \$86,015. Joe Crelier, Risk Management Director 10/29/13.

Budget & Business Improvement Shirley Ragin Completed 11/05/2013 1:49 PM

Reviewed and approved. SMR 11/5/2013

Finance Teresa Byrd Completed 11/06/2013 11:24 AM

The Consolidated Plan Document will serve as framework for Bernalillo County to identify housing and community development priorities and provide the information that will enable the county to apply for grant funding opportunities. I recommend approval.

Deputy County Managers Vince Murphy Completed 11/06/2013 3:15 PM

Approval of this item will produce a document that will provide information to aid Bernalillo County in strategically identifying and prioritizing affordable housing needs. I recommend Board approval.

Legal Peter Auh Completed 11/07/2013 10:07 AM

The agreement with Community Strategies Institute is approved as to legal form. PSA

County Manager Tom Zdunek Completed 11/07/2013 10:11 AM

As cited in the summary, I recommend Board approval. T.Z. 11/7/2013

Board of County Commissioners Yvette Chavez Pending

## PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the County of Bernalillo, New Mexico, a political subdivision in the State of New Mexico, (hereinafter referred to as the "County"), and Community Strategies Institute, (hereinafter referred to as the "Contractor").

### WITNESSED:

WHEREAS, the County issued a Request for Proposals for Consolidated Plan for Bernalillo County Housing Department, RFP No. 02-14-AM, attached hereto as Exhibit A; and

WHEREAS, the Contractor submitted its Proposal, dated July 3, 2013, in response to RFP No. 02-14-AM, attached hereto as Exhibit B; and

WHEREAS, the County desires to engage the Contractor to render certain services in connection therewith, and the Contractor is willing to provide such services.

WHEREAS, Attachment B was modified as a result of contract negotiations, which modifications dated September 16, 2013 are attached hereto as Attachment C; and

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

### 1. Scope of Services

The Contractor shall provide services for a Consolidated Plan for the Housing Department in accordance with Exhibit A as supplemented by Exhibit B and Exhibit C, all of which are incorporated herein by reference and made a part of this Agreement.

### 2. Term

This Agreement shall become effective upon the date of final execution of the Agreement and shall continue for one (1) year, with the option to extend for three (3) additional one (1) year terms, upon mutual agreement of the County and Contractor, unless terminated by either party pursuant to the termination provisions contained in this Agreement. The entire Agreement shall not exceed four (4) years in duration.

### 3. Termination for Cause

If, through any cause, the Contractor fails to fulfill the Contractor's obligations under this Agreement in a timely and proper manner, or if the Contractor violates any of the covenants, agreements or stipulations of any part of this Agreement, the County shall have the right to terminate the Agreement. The County reserves the right to recover any excess costs incurred by deduction from an unpaid balance due to the Contractor, or any other legal method. Cancellation shall be done by giving written Notice of Cancellation to the Contractor. The Notice of Cancellation shall include the effective date of cancellation.

The official address of the County is:

The County Purchasing Department  
One Civic Plaza NW, Room 10010  
Albuquerque, NM 87102

The official address of the Contractor is:

Community Strategies Institute  
P.O. Box 140387  
Edgewater, CO 80214

### 4. Termination for Lack of Appropriations

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Bernalillo County Commission for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Bernalillo County Commission, this Agreement shall terminate upon written notice being given by the County to the Contractor. The County's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

### 5. Termination for Convenience of County

The County may terminate this Agreement at any time by giving at least thirty (30) calendar days notice in writing to the Contractor. If the Agreement is terminated by the County as provided herein,

the Contractor will be paid in the amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Contractor covered by this Agreement, less payments previously made.

6. Termination by Contractor

The Contractor may terminate this Agreement on an annual basis at the expiration of each year of the term of this Agreement by giving written notice to the County at the address listed herein at least sixty (60) calendar days prior to the expiration of each year of the term of this Agreement. The expiration of each year for termination purposes shall be defined as 365 days from the date of execution of this Agreement and every 365 days thereafter for the term of this Agreement.

7. Compensation and Method of Payment

A. The County will pay to the Contractor in full payment for services rendered, the sum of \$86,015.00 at the rates listed in Exhibit B and C, attached hereto, plus applicable New Mexico Gross Receipts Tax, which constitutes full and complete compensation for the Contractor's services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing such services.

B. Method of Payment: Upon completion of work in a manner satisfactory to the County, and upon receipt by the County of a properly documented invoice, payment to the Contractor will be made within thirty (30) days from receipt of the invoice. Except as otherwise agreed to, late payment charges may be assessed against the County in the amount and under the conditions set forth in NMSA 1978, §13-1-158.

8. Independent Contractor

Neither the Contractor nor its employees are considered to be employees of the County for any purpose whatsoever. The Contractor is considered to be an Independent Contractor at all times in the performance described herein. The Contractor further agrees that neither it nor its employees are entitled to any benefits from the County under the provisions of the Worker's Compensation Act of the state of New Mexico, or to any of the benefits granted to employees. The Contractor shall not accrue leave, retirement, workers' compensation benefits, insurance, bonding, use of County vehicles, or any other benefits afforded to employees of the County, as a result of this Agreement. The County shall provide no liability coverage to the Contractor. The Contractor acknowledges that all sums received hereunder are reportable for income tax purposes as applicable for self-employment or business income, and New Mexico Gross Receipts Tax.

9. Personnel

A. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing the services as described under this Agreement. Such personnel shall not be employees of or have any contractual relationships with the County.

B. The services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in performing the services shall be fully qualified and shall be authorized or permitted under federal, state and local laws to perform such services.

C. None of the services covered by this Agreement shall be subcontracted without the prior written approval of the County. Any portion of the services subcontracted hereunder shall be specified by written agreement and shall be subject to each provision of this Agreement.

10. Indemnity

Contractor shall defend, indemnify and forever hold and save the County, its elected officials and employees harmless against any and all suits, causes of action, claims, liabilities, damages, losses and reasonable attorneys' fees and all other expenses of any kind from any source which may arise out of this Agreement or any amendment hereto, if caused by the negligent act, error, or omission, or intentional act, error, or omission of the Contractor, its officers, employees, servants or agents.



## 11. Reports and Information

At such times and in such forms as the County may require, there shall be furnished to the County such statements, records, reports, data and information, as the County may request pertaining to matters covered by this Agreement.

## 12. Audits and Inspections

At any time during normal business hours and as often as the County may deem necessary, there shall be made available to the County for examination all of the Contractor's records with respect to all matters covered by this Agreement. The Contractor shall permit the County to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

## 13. Insurance

### A. General

The Contractor shall procure and maintain during the life of this Agreement insurance coverage of the kinds and in the amounts listed herein. The Certificates of Insurance must be issued by insurance companies authorized to do business in the State of New Mexico and shall cover all performance under this Agreement whether completed by the Contractor, the Contractor's employees, or by subcontractors. The policies shall include a provision for thirty (30) calendar days written notification to the Bernalillo County Purchasing Department, One Civic Plaza N.W., 10<sup>th</sup> Floor, Room 10010, Albuquerque, New Mexico, 87102 in the event a policy has been materially changed or canceled. For procurements that exceed \$20,000, an Additional Insured Endorsement Form is required.

#### 1. Workers Compensation

Part I. Workers Compensation – Statutory

Part II. Employers' Liability - \$1,000,000

The Contractor shall comply with the provisions of the Workers Compensation Act of the State of New Mexico, (the "Act"). If the Contractor has determined that it is not subject to the Act, it will certify, in a signed statement, that it is not subject to the Act. The Contractor will notify the Contracting Agency (Bernalillo County) and comply with the Act should it employ three or more persons during the term in providing services to the County. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, the services provided by the Contractor may be terminated effective immediately.

#### 2. Commercial General Liability on ISO form CG 0001 0798 or equivalent.

Bodily Injury/Property Damage:	\$1,000,000 Each Occurrence
	\$2,000,000 General Aggregate

Property Damage Liability Insurance shall not exclude Explosion – Collapse – Underground Coverage (XCU)

Products/Completed Operations:	\$1,000,000 Each Occurrence
	\$2,000,000 General Aggregate

#### 3. Business Automobile Liability

Combined Single Limit - \$1,000,000 Each Occurrence on ISO CA0001 1001 or equivalent.

Business Automobile Liability Insurance shall include coverage for the use of all owned, non-owned and hired automobiles and vehicles.

#### 4. Independent Contractors: Included

#### 5. Contractual Liability: Included in Commercial General Liability

The Contractor shall furnish one copy each of Certificates of Insurance herein required for each copy of the Agreement, which shall specifically set forth evidence of all coverage required. If

such limits are higher than the minimum limits required by the County, such limits shall be certified and shall apply to the coverage afforded the County under the terms and conditions of the Agreement as though required and set forth in the Agreement. The Contractor shall furnish to the County copies of any endorsements that are subsequently issued amending coverage or limits.

**B. Approval of Insurance**

The Contractor or subcontractor(s) shall not begin work under the Agreement until the required insurance has been obtained and the proper Certificates of Insurance (or insurance policies) have been filed with the County, adding the County as an additional insured as applicable. Neither approval nor failure to approve certificates, policies or insurance by the County shall relieve the Contractor or subcontractor(s) of full responsibility to maintain the required insurance in full force and effect.

**C. Increased Limits**

If, during the life of this the Agreement, the legislature of the State of New Mexico increases the maximum limits of the liability under the Tort Claims Act, the County may require the successful Contractor to increase the maximum limits of any insurance required herein. In the event that the successful Contractor is required to increase the limits of such insurance, an appropriate adjustment in the Agreement amount will be made.

**14. Record Ownership**

It shall be clearly understood and agreed between the parties that the County is and shall be the owner of all documents and records pertaining to any matter undertaken by the Contractor pursuant to this Agreement.

**15. Release**

The Contractor, upon final payment of the amount due under this Agreement, releases the County, its elected officials and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the County to any obligation not assumed herein by the County, unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

**16. Confidentiality**

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the County.

**17. Conflict of Interest**

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of work required under this Agreement.

**18. Scope of Agreement**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written agreement. No prior agreement or understandings, verbal or otherwise, of the parties, or their agents shall be valid or enforceable unless embodied in this Agreement.

**19. Notice**

Any notices required to be given hereunder shall be sent to the principals at the addresses specified in Section 3 herein. If either party shall change addresses or principals, then such party shall promptly notify the other party in writing. If no notification is made, then notice shall be deemed effective if sent to the principals at the addresses specified in Section 3 herein.

## 20. Compliance with Applicable Law

Contractor shall comply with all applicable state, federal, municipal and county laws, rules and ordinances.

## 21. Waiver

No waiver of any breach of any of the terms or conditions of this Agreement shall be held to be a waiver of any other or subsequent breach; nor shall any waiver be valid or binding unless the same shall be in writing and signed by the party alleged to have granted the waiver.

## 22. Equal Opportunity Compliance

The Contractor agrees to abide by all federal and state laws and regulations pertaining to equal employment opportunity. If Contractor is found to be not in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

## 23. Applicable Law

This Agreement shall be governed by the laws of the state of New Mexico.

## 24. Changes

The County may, from time to time, request changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the County and the Contractor, shall be incorporated in written amendments to this Agreement. This Agreement shall not be altered, changed or amended except by an instrument in writing executed by the parties hereto.

## 25. Assignability

The Contractor shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation), without the prior written consent of the County thereto.

## 26. Construction and Severability

If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

## 27. Enforcement

The Contractor agrees to pay to the County all costs and expenses including reasonable attorney's fees incurred by the County in exercising any of its rights or remedies in connection with the enforcement of this Agreement.

## 28. Penalties

The New Mexico Procurement Code, (NMSA 1978, §13-1-28 through 13-1-199), imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

## 29. Entire Agreement

This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

## 30. Facsimile/Electronic Signature

A signature sent by facsimile or electronically shall have the same legal effect as if the original has been signed in person.

**SIGNATURE PAGE**

Motion to approve the Professional Services Agreement for the Consolidated Plan for the Housing Department, this 12<sup>th</sup> day of November, 2013.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Maggie Hart Stebbins, Chair

\_\_\_\_\_  
Debbie O'Malley, Vice Chair

\_\_\_\_\_  
Art De La Cruz, Member

\_\_\_\_\_  
Lonnie C. Talbert, Member

\_\_\_\_\_  
Wayne A. Johnson, Member

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maggie Toulouse Oliver, County Clerk

Date: \_\_\_\_\_

CONTRACTOR:

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
New Mexico Gross Receipts Tax Number

\_\_\_\_\_  
Federal Tax Identification Number



# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

Date:	November 12, 2013
Action Item Title:	Consolidated Plan for Bernalillo County Housing Department
Department:	Housing
Form Prepared By: (Name, Title & Phone Number)	Betty Valdez, Housing Director 314-0235
Form Reviewed By: (Budget Office Staff Name & Title)	Kevin Noel, Financial Services Administrator IV, 468-7081
(1 thru 5 or all) BCC District:	All

## SECTION 2: PROJECT OVERVIEW

To approve the Professional Services Agreement between Community Strategies Institute and Bernalillo County in the amount of \$86,015 to develop the Consolidated Plan Document (CPD) for Bernalillo County that will serve as the County's 5-year strategic roadmap to address its community development and affordable housing needs. To authorize the County Manager to execute any subsequent amendments to the agreement.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY 14	FY	FY	FY	FY	TOTALS
RECURRING			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
FY 2013 Carry-over			86,015	-	-	-	-	\$ 86,015
			-	-	-	-	-	\$ -
SUB-TOTAL NON-RECURRING			86,015	-	-	-	-	\$ 86,015
Total Revenues			86,015	-	-	-	-	\$ 86,015

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES \$ 86,015**

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY 14	FY	FY	FY	FY	TOTALS
RECURRING			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
Consolidated Plan			86,015	-	-	-	-	\$ 86,015
			-	-	-	-	-	\$ -
SUB-TOTAL NON-RECURRING			86,015	-	-	-	-	\$ 86,015
Sub-total Operating Expenditures			86,015	-	-	-	-	\$ 86,015

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY	FY	FY	FY	FY	TOTALS
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
Sub-total Staff Cost Expenditures				-	-	-	-	-	\$ -

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES 86,015 - - - - 86,015**

**TOTAL EXPENDITURES \$ 86,015**

Attachment: BCHD Consolidated Plan [Revision 3] (3248 : Consolidated Plan for Bernalillo County Housing Department)



## FINANCIAL ANALYSIS FORM

### SECTION 5: NARRATIVE

#### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - RFP #02-14-AM in the amount of \$86,015 has been awarded to Community Strategies Institute to develop the CPD for Bernalillo County. \$100,000 has been budgeted in Internal Order (IO) 2300467 in FY 14 for contractual services from existing general fund carry-over from FY2013. Bernalillo County has not had a CPD that provides data and a strategic plan to address its highest needs in community development and affordable housing. The CPD will provide a 5-year strategic road map of the County's housing and community development priorities to ensure it meets those needs directed by the input of the community and serve as a framework for the County (most notably its unincorporated areas). It will also help the County assess market conditions and make data-driven, place-based decisions.

Current Impact of Proposed Action- \$86,015 will be spent from the Housing Consolidated Plan IO 2300467 for Community Strategies Institute to develop the CPD.

Future Implications - None.

#### OTHER SIGNIFICANT ISSUES

Departmental Impacts - Bernalillo County's Housing Department will spend \$86,015 to for Community Strategies Institute to develop the CPD.

Countywide Impacts - The CPD will provide Economic Development with a 5-year strategic roadmap of the needs directed by community input to ensure Bernalillo County is meeting them.

Other -None.

#### JUSTIFICATION

Mandated - Not mandated.

Program Relevance - The CPD will give Bernalillo County a 5-year strategic planning process to address its community development and affordable housing needs. It will also supply other departments, such as Economic Development, with a 5-year strategy for addressing the community's needs. Furthermore, it will provide Bernalillo County's funding partners with critical, demographic data.

Other Measures - N/A

#### ALTERNATIVES

Without County Commission approval the Housing Department will have limited funding opportunities available. The demographic information would allow Bernalillo County to apply for various types of funding according to the information in the CPD.

#### BUDGET / FINANCE RECOMMENDATION

Budget staff has reviewed the financial analysis form. Adequate budget exists to meet the requirements of this request.

## PURCHASING DEPARTMENT REQUEST FOR PROPOSAL SUMMARY

**RFP NUMBER:** #02-14-AM

**TITLE:** Consolidated Plan for Bernalillo County Housing Department

**REQUESTING DEPARTMENT:** Housing Department

**CONSIDERATION FOR APPROVAL:** Award of Request for Proposal (RFP) #02-14-AM to Community Strategies Institute, LLC

**HOUSING'S BUDGET:** \$100,000.00

LETTERS OF NOTICE MAILED	RFPs PICKED UP	PROPOSALS SUBMITTED
121	31	5

### RECOMMENDATION BY STAFF:

In accordance with the Request for Proposals (RFP) for Consolidated Plan for Bernalillo County Housing Department, five (5) responses were received by the August 12, 2013 deadline. The responses received were from ASK Development Solutions, Inc.; Community Strategies Institute, LLC; Sites Southwest, LLC; Suby Bowden + Associates, LLC; and Western Economic Services, LLC.

### Summary of Selection Committee Activity

Selection Advisory Committee Members for this procurement are Betty Valdez, Director of Housing Department; Nano Chavez, Director of Zoning, Building, & Planning Department; and Ed Chismar, Director of Parks and Recreation Department. The Senior Buyer for this procurement is Anita J. Maldonado, the designee assigned to manage and administer the procurement process for the Committee.

The formal Request for Proposal (RFP #02-14-AM) was published on July 11, 2013. A non-mandatory pre-proposal conference was held on July 16, 2013 at 10:00 a.m. at Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, 10<sup>th</sup> Floor, Conference Room B, Albuquerque, New Mexico, 87102. Representatives from Bernalillo County were Monica Contreras, Procurement Technician, Diane Chavez, and Anita J. Maldonado from the Purchasing Department. Other representatives present were Barbara Herrington from Sites Southwest, LLC; Beckie Northrop from RP Northrop Associates; Kate Hildebrand from Consensus Builder; Sunil Sakhalkar from Suby Bowden + Associates, LLC; and Tony Gallegos from RGCDC.

The proposals were due on August 12, 2013 at 4:00 p.m. The proposal opening was held on August 13, 2013, at 9:00 a.m. in Conference Room C, located on the 10<sup>th</sup> floor at One Civic Plaza NW. Anita J. Maldonado, and Monica Contreras were present. It was determined that Suby Bowden + Associates, LLC proposal submittal was non-responsive and rejected because it did not include a Campaign Contribution Disclosure form and it was not in the format as requested per the RFP document. A non-responsive letter was sent to Suby Bowden + Associates, LLC on September 6, 2013.

A complete package was distributed to the three (3) Selection Advisory Committee Members, Betty Valdez; Nano Chavez, and Ed Chismar at the Distribution Meeting on August 13, 2013. Each package included the Memorandum to the Committee Members from Anita J. Maldonado, the Non-Disclosure Statement, the Scoring Sheets to be used for the evaluation, a copy of the RFP, a copy of Addendum #1, and the RFP submittals from the Offerors.



The Selection Advisory Committee Members met on August 23, 2013, at 10:00 a.m. to evaluate the proposals using the criteria developed and included in the RFP. The scores were read and recorded. The result of the proposal evaluation was ASK Development Solutions, Inc. received 244 points; Community Strategies Institute, LLC received 259.16 points; Sites Southwest, LLC received 219.41 points; and Western Economic Services, LLC received 188.35 points. The total amount of possible points was 400 plus Resident Business or Resident Veteran Business Preference Points. Sites Southwest, LLC was the only Offeror who submitted a Resident Business Preference Certificate and received the 5% preference which was five (5) points.

The attached Evaluation Ranking Matrix Summary details the combined scoring for the Offerors by the Selection Committee Members. Community Strategies Institute, LLC ranked highest in the scoring. Based on the evaluation and in accordance with appropriate guidelines a decision was made that Community Strategies Institute, LLC would be invited to enter into a contract with negotiations without interviews. Finalist and Non-Finalist Letters were sent on September 6, 2013

A contract negotiations meeting with Community Strategies Institute, LLC was held by a conference call on September 13, 2013 at 11:00 a.m. Betty Valdez and Anita J. Maldonado held the conference call in Anita J. Maldonado's office. Jennie Rodgers and Tom Hart represented Community Strategies Institute, LLC. Contract negotiations were successful and they were asked to provide in letter format the results of contract negotiations related to finalized costs and conditions and all backup documentation to Anita J. Maldonado. The letter was received on September 16, 2013.

#### **Selection Committee Recommendation**

The Selection Advisory Committee attests that Community Strategies Institute, LLC is their recommendation and asks the County to proceed with an award of contract in the amount of \$86,015.00 plus the applicable New Mexico Gross Receipts Tax. The Agreement will go before the Board of County Commissioners for approval on the October 22, 2013 Administration Meeting.

Prepared by: AJM 9/19/2013





# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: PIO  
Prepared By: Edward Romero  
Director: Tia Bland  
DCM: None  
Sponsors: De La Cruz

---

**Title:** ABQ Area Firefighters Random Acts Proclamation

**Action:**

Presentation of Proclamation.

**Summary:**

On June 30, 2013, Arizona experienced the deadliest wildfire in its history when 19 members of the Prescott, Arizona Fire Department's Granite Mountain Hot Shots crew perished while battling the Yarnell Hill Fire near Prescott. Since that time, there has been an outpouring of grief and sympathy for those brave individuals who lost their lives and the devastated families and friends whom they left behind. Since that time, the Jemez Mountains Bear Paw Quilt Guild in Sandoval County has devoted countless hours to creating 21 beautiful lap quilts designed to comfort those affected by the loss. The quilts will be distributed by Albuquerque Area Firefighters Random Acts, a local charity composed of Bernalillo County and Albuquerque city firefighters who dedicate themselves to performing random acts of kindness in the community.

**Attachments:**

- ABQ Firefighters Random Acts Procl. 11.12.13 (DOC)

# The Bernalillo County Board of County Commissioners

**SPONSORED BY: COMMISSIONERS MAGGIE HART STEBBINS, DEBBIE O’MALLEY  
ART DE LA CRUZ, LONNIE C. TALBERT and WAYNE A. JOHNSON**

**WHEREAS**, on June 30, 2013, Arizona experienced the deadliest wildfire in its history when 19 members of the Prescott, Arizona Fire Department’s Granite Mountain Hot Shots crew perished while battling the Yarnell Hill Fire near Prescott; and

**WHEREAS**, since that time, there has been an outpouring of grief and sympathy for those brave individuals who lost their lives and the devastated families and friends whom they left behind; and

**WHEREAS**, since that time, the Jemez Mountains Bear Paw Quilt Guild in Sandoval County has devoted countless hours to creating 21 beautiful lap quilts designed to comfort those affected by the loss. The quilts will be distributed by Albuquerque Area Firefighters Random Acts, a local charity composed of Bernalillo County and Albuquerque city firefighters who dedicate themselves to performing random acts of kindness in the community; and

**WHEREAS**, Jemez Mountains Bear Paw Quilt Guild elected to make the quilts for the Prescott families because it wasn’t that very long ago when the same hotshot firefighters who died in June worked to save lives and property during fires in Jemez Springs and Los Alamos; and

**WHEREAS**, Albuquerque Area Firefighters Random Acts director Steve Vaughan says his group is “deeply impacted by the love and generosity the quilters have shown us in reaching out to help us heal--not only ourselves--but to love and help heal our brothers and sisters in Arizona.”

**NOW, THEREFORE, BE IT RESOLVED** that the Bernalillo County Board of County Commissioners does hereby extend its deepest sympathy to the families and friends of those who died battling the Yarnell Hill Fire and wishes to commend the outstanding work of Albuquerque Area Firefighters Random Acts and the Jemez Mountains Bear Paw Quilt Guild for recognizing the ultimate sacrifice made by these brave men.

**DONE**, this 12<sup>th</sup> day of November, 2013, in Bernalillo County, State of New Mexico.

**BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Maggie Hart Stebbins, Chair**

\_\_\_\_\_  
**Debbie O’Malley, Vice Chair**

\_\_\_\_\_  
**Art De La Cruz, Member**

\_\_\_\_\_  
**Lonnie C. Talbert, Member**

\_\_\_\_\_  
**Wayne A. Johnson, Member**

**ATTESTED BY:**

\_\_\_\_\_  
**Maggie Toulouse Oliver**  
County Clerk



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: PIO  
Prepared By: Edward Romero  
Director: Tia Bland  
DCM: None  
Sponsors: De La Cruz

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**Title:** Public Works FEMA Floodplain Management Acknowledgment

**Action:**

Presentation of Acknowledgement

**Summary:**

In recognition of the valuable and beneficial activities in floodplain management for the residents of Bernalillo County. The Community Rating System is a voluntary incentive program within the National Flood Insurance Program that recognizes and encourages community floodplain management activities that exceed their minimum requirements. The programs implemented that exceed the minimum requirements, include: making flood risk information easily available to the public through the Floodplain Administrator's office and on the Bernalillo County website, implementation of an annual outreach program to lenders, real estate agents and surveyors about the information available to them and where to find it, and the implementation of stricter floodplain development standards.

**Attachments:**

- FEMA Floodplain Acknowledgment for 11-12-13 (DOC)

# Acknowledgment

The Bernalillo County Board of County Commissioners  
does hereby acknowledge the

## Public Works Division Floodplain Management Program

In recognition of the valuable and beneficial activities in  
floodplain management for the residents of Bernalillo County.

The Community Rating System is a voluntary incentive program  
within the National Flood Insurance Program that recognizes  
and encourages community floodplain management activities  
that exceed their minimum requirements.

The programs implemented that exceed the minimum requirements, include:  
making flood risk information easily available to the public through the Floodplain  
Administrator's office and on the Bernalillo County website, implementation of an  
annual outreach program to lenders, real estate agents and surveyors about the  
information available to them and where to find it, and the implementation of  
stricter floodplain development standards.

As a result of these additional programs, Bernalillo County has become a  
Class 8 community in the Community Rating System. The benefit of this Class 8  
rating is a discount for flood insurance policy holders.

Flood insurance policy holders that are located within a flood zone will receive a  
10% discount on their insurance premiums. Policy holders that are not within a  
flood zone will receive a 5% discount on their insurance premiums.

Bernalillo County has participated in the National Flood Insurance Program since  
1983.



BOARD OF COUNTY COMMISSIONERS  
COUNTY OF BERNALILLO  
ADMINISTRATIVE MEETING  
Tuesday, October 8, 2013, 5:54 p.m.

VINCENT E. GRIEGO CHAMBERS  
ALBUQUERQUE-BERNALILLO COUNTY GOVERNMENT CENTER  
ALBUQUERQUE, NEW MEXICO 87102

Before: Kelli A. Gallegos  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 4th Street, NW, Suite 105  
Albuquerque, New Mexico 87102

A P P E A R A N C E S

MAGGIE HART STEBBINS, Chair  
DEBBIE O'MALLEY, Vice Chair  
LONNIE C. TALBERT, Member  
ART DE LA CRUZ, Member  
WAYNE A. JOHNSON, Member  
TOM ZDUNEK, County Manager  
MAGGIE TOULOUSE OLIVER, County Clerk  
RANDY AUTIO, County Attorney  
PETER AUH, Assistant County Attorney  
VINCE MURPHY, Deputy County Manager, Community Svcs.  
TERESA BYRD, Deputy County Manager, Finance & Budget  
TOM SWISSTACK, Deputy County Manager, Public Safety  
JARVIS MIDDLETON, Deputy County Manager, Public Works  
MAYLING ARMIJO, Economic Development Director  
MARCOS GONZALES, Economic Development Manager  
NANO CHAVEZ, Zoning/Building/Planning Director

1           CHAIRWOMAN HART STEBBINS: Good evening. The  
2 administrative meeting of the Bernalillo County Board  
3 of Commissioners for Tuesday, October 8th, 2013, is  
4 hereby called to order. We are going to begin  
5 tonight's meeting with a silent invocation, followed  
6 by the Pledge of Allegiance that will be led by  
7 Ms. Lydia Santillanes.

8                   (Whereupon, there was a moment of silence.)

9                   (Whereupon, the Pledge of Allegiance was led  
10 by Ms. Lydia Santillanes.)

11           CHAIRWOMAN HART STEBBINS: Mr. County Manager,  
12 are there any anything additions or changes to  
13 tonight's agenda.

14           MR. ZDUNEK: Madam Chair, I have three, and I'll  
15 try to be clear on which ones that are changed. First  
16 of all, I'd like to request Item 4D be heard first  
17 under proclamations. I'm requesting a deferral to  
18 have Item 10A be heard at the next commission meeting.  
19 And then I'm asking that we move Item 14B, which is  
20 under discussion, to be heard right after the consent  
21 agenda.

22           CHAIRWOMAN HART STEBBINS: So any objection?

23                   Seeing no objection, we will make those  
24 changes.

25                   Thank you.

1           So we are on Item 4, proclamations. We will  
2 start with Item 4D.

3           Commissioner De La Cruz.

4           COMMISSIONER DE LA CRUZ: Thank you, Madam  
5 Chair. If I could have the Santillanes family come  
6 down to the podium. Thank you, Madam Chair, Members  
7 of the Audience. It's my privilege and my honor this  
8 evening to read this proclamation from all the board  
9 of county commissioners on behalf of former  
10 Commissioner David Santillanes who passed away  
11 recently, so if I could read that at this time.

12           Whereas, Moises "Dave" Santillanes was born  
13 on April 13, 1928, and went on to live an  
14 extraordinarily full, productive, and happy life; and

15           Whereas, Dave lived in Alameda until his  
16 death on September 2, 2013, and during his 85 years on  
17 this earth, he served his family, his church and his  
18 community to the best of his ability; and

19           Whereas, Dave grew up, first, helping his  
20 father homestead the La Cueva area; then, serving as  
21 an altar boy and also helping his parents with their  
22 grocery store and the post office they operated out of  
23 the front of their home. In 1947, Dave was honorably  
24 discharged from the U.S. Navy; and

25           Whereas, he later married the love of his

1 life, Lydia Armijo. Together the couple  
2 had three beloved children, five grandchildren, and  
3 two great-grandchildren; and

4           Whereas, Dave was very active in his  
5 community. He was a member of American Legion Post  
6 69, Elks Lodge 2500, the Knights of Columbus, the  
7 Albuquerque Association for Retarded Children, and the  
8 Rio Rancho and Albuquerque Chambers of Commerce. He  
9 also enjoyed working in politics and served as  
10 Alameda's Democratic Precinct chairman and later as  
11 a Bernalillo County Commissioner from 1975 to 1983;  
12 and

13           Whereas, Dave played a major role in the  
14 development of the Raymond G. Sanchez Community Center  
15 -- and I want to thank Michael Garcia for giving us a  
16 little bit of information regarding that matter -- the  
17 North Valley Library, the North Valley Clinic and the  
18 Paseo del Norte and Montano river crossings. He also  
19 worked diligently to expand city water lines and bus  
20 service to the far North Valley and helped establish  
21 more bike trails and parks in the county. The  
22 Alameda YDI Head Start Academy was named after him;  
23 and

24           Whereas, as an entrepreneur, he built Dave's  
25 Bar in Alameda and developed a small, working cattle



1 ranch in Algodones. In 1971, he co-founded the Rio  
2 Grande Valley Bank in the North Valley, and two years  
3 later, he co-developed the Tierra del Sol Apartments  
4 on Coors Road. In 1977, Dave founded Vista Verde  
5 Memorial Park in Rio Rancho and later, D & L Storage;  
6 and

7               Whereas, Dave was known as a generous and  
8 kind-hearted man who supported the Boy Scouts and  
9 several Little League Baseball teams and never turned  
10 down a person in need;

11              Now, therefore, be it resolved that the  
12 Bernalillo County Board of County Commissioners does  
13 hereby extend its deepest gratitude to Mr.  
14 Santillanes' family for the contributions Mr.  
15 Santillanes made to his community during his lifetime.

16              Done, this 8th day of October 2013, in  
17 Bernalillo County, State of New Mexico.

18              Commissioner Chair Maggie Hart Stebbins;  
19 Vice Chair Debbie O'Malley; Member Art De La Cruz;  
20 Member Lonnie C. Talbert; and Member Wayne A. Johnson,  
21 and signed by our county clerk, Maggie Toulouse  
22 Oliver.

23              Thank you very much for being here. If you  
24 would like to say a few words, please.

25              MS. SANTILLANES: I would like to just say that

1 my husband was a very dedicated county commissioner  
2 and was a great husband. We were married 65 years and  
3 he's a big loss to all of us. And on behalf of my  
4 family and myself, I'd like to thank you very much for  
5 this proclamation. Thank you.

6 COMMISSIONER DE LA CRUZ: You're welcome. And  
7 if I might just add something, Madam Chair, before we  
8 have you come around because we'd like to present this  
9 proclamation to you, but I'd like to say that having  
10 known Dave and having actually gone to visit Dave when  
11 I was running for election in 2008 and his kind words  
12 and his advice were invaluable, but I know that a lot  
13 of people went to see Dave because he was a leader and  
14 people wanted his advice.

15 So he was not only successful in terms of  
16 being a business person, but he was successful in  
17 being a leader. Because you can hold an elected  
18 office and not be a leader, but Dave was a leader on  
19 every front. He was a leader as an elected official  
20 and he was a leader as a member of his community. And  
21 that is inspiring to all of us. So I'm just honored  
22 that you're here this evening.

23 Thank you, Madam Chair.

24 CHAIRWOMAN HART STEBBINS: If you would like  
25 come up to receive the proclamation, we'd be grateful.

1           Next on the agenda is a proclamation  
2 recognizing Mission: Graduate. And I know we have a  
3 few people here to talk about this. I'd like to  
4 invite you up to the podium. I'm going to read it  
5 first and then give you an opportunity to introduce  
6 yourselves and say a few words. This is a  
7 proclamation by the Bernalillo County Board of  
8 Commissioners.

9           Whereas, Mission: Graduate is a  
10 collaboration amongst Bernalillo County, the City of  
11 Albuquerque and other public and private community  
12 leaders who have joined forces to rally the community  
13 around a goal to add 60,000 new associate's,  
14 bachelor's and graduate degrees to Central New Mexico  
15 by 2020; and

16           Whereas, Mission: Graduate is a  
17 cradle-to-career approach which is designed to create,  
18 promote and share equitable opportunities for all  
19 children and youth in central New Mexico to excel and  
20 succeed in school; and

21           Whereas, Mission: Graduate recognizes that  
22 high quality education from preschool through college  
23 is essential to the health, safety and economic  
24 prosperity of our community; and

25           Whereas participating educational,

1 governmental and health professionals believe that  
2 increasing high school and post high school graduation  
3 rates in New Mexico will lead to a more informed and  
4 engaged citizenry; and

5           Whereas, the goals and visions vision and  
6 goals adopted by Mission: Graduate complement  
7 Bernalillo County's efforts via the ABC Community  
8 School Partnership to foster an educational  
9 environment designed to sustain a healthy, educated  
10 workforce, allowing the county and surrounding areas  
11 to attract high wage employers; and

12           Whereas, Mission: Graduate seeks to nurture  
13 and develop the next generation of skilled workers,  
14 engaged citizens and civic leaders by setting  
15 achievable the responsible goals for educational  
16 attainment;

17           Now, therefore be it resolved that the  
18 Bernalillo County Board of Commissioners does hereby  
19 recognize the efforts of Mission: Graduate to improve  
20 the lives of New Mexico's youth and promote a  
21 prosperous, thriving local economy;

22           Done this 8th day of October 2013 in  
23 Bernalillo County, State of New Mexico, by the board  
24 of commissioners, Maggie Hart Stebbins, Debbie  
25 O'Malley, Art De La Cruz, Lonnie Talbert, and Wayne

1 Johnson.

2 So if you would like to introduce  
3 yourselves, you're welcome to say a few words.

4 MR. GONZALES: Madam Chair, Members of the  
5 Commission, my name is Angelo Gonzales. I serve as  
6 the executive director of Mission: Graduate, and I'm  
7 joined on Randy Woodcock, who is the vice president  
8 and chief strategic officer at United Way of Central  
9 New Mexico, and my good friend, who I think you all  
10 know well, Jose Munoz, who is the executive director  
11 of the ABC Community School Partnership.

12 I want to thank all of you for the  
13 proclamation. And, Commissioner, Madam Chair, I want  
14 to thank you for your service on the Mission:  
15 Graduate Vision Council. We are building very strong  
16 partnerships, particularly with the ABC Community  
17 School Partnerships. And I know that many of the  
18 commissioners have either served or are currently  
19 serving on the ABC Community School Partnerships, and  
20 so we are committed to really deepening that work.  
21 And we believe strongly that we can't do this without  
22 ABC as a core partner and without the County of  
23 Bernalillo as a core partner in our work.

24 We're moving into a brand-new phase starting  
25 next week, and so I want to invite the members of the

1 commission to come out on Monday at 1:30. We are  
2 doing a launch, a public launch, in a news conference  
3 at Raytheon Ktech, and so we're going to be  
4 highlighting the work around Mission: Graduate, and  
5 we're going to be issuing a challenge to our employers  
6 throughout central New Mexico to join us in  
7 contributing to that goal of 60,000 new degrees and  
8 certificates. So we'll send around some more  
9 information so you have that information. And, again,  
10 we appreciate your support.

11 CHAIRWOMAN HART STEBBINS: Excellent. Thank  
12 you.

13 Randy? Jose? Either of you want to add --

14 MR. WOODCOCK: I was just saying, the 30 years  
15 that I've had the privilege of working for United Way,  
16 I think this is the most encouraging initiative that  
17 I've seen. I've just see so many different -- both  
18 business and government and education coming together  
19 on this collective impact approach. I think we're  
20 adding great things for the kids in this community.

21 MR. MUNOZ: I just ditto what Andy said. And  
22 just thank you all for actually supporting the ABC  
23 Community School Partnership as you have since its  
24 inception. Thank you.

25 CHAIRWOMAN HART STEBBINS: Commissioner Johnson.

1 COMMISSIONER JOHNSON: Thank you, Madam Chair.  
2 And I want to thank all you and, of course, my fellow  
3 commissioners for their service on the ABC board.

4 What we're seeing here I think is  
5 unprecedented. I don't think, at least in my time in  
6 Albuquerque, I've ever seen so many large entities,  
7 private companies and nonprofits work together towards  
8 the same goal. It's something that long overdue, to  
9 tackle our educational issues in New Mexico and  
10 certainly in Bernalillo County and Albuquerque.

11 So I applaud you for your willingness to  
12 work together, because when we do work together, we  
13 save resource, but more importantly, we've achieve  
14 our. So I very much appreciate the work that you all  
15 do.

16 MR. GONZALES: Thank you, Commissioner.

17 CHAIRWOMAN HART STEBBINS: I'd live to invite  
18 you up to receive the proclamation.

19 We are now on Item 4B. Commissioner  
20 O'Malley.

21 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

22 I'd like to invite folks here today to  
23 accept the proclamation on behalf of Domestic Violence  
24 Awareness Month. Thank you. Again, by reading the  
25 proclamation, the Bernalillo County Board of County

1 Commission, sponsored by all the commissioners.

2           Whereas, domestic violence is the willful  
3 intimidation, physical assault, battery, sexual  
4 assault and/or other abusive behavior perpetrated by  
5 an intimate partner against another. It's an epidemic  
6 affecting individuals in every community, regardless  
7 of gender, age, economic status, race, religion,  
8 nationality or educational background; and

9           Whereas, domestic violence is primarily a  
10 crime against women, often accompanied by emotionally  
11 abusive and controlling behavior, and, thus, is part  
12 of a systematic pattern of dominance and control,  
13 resulting in nearly 17,000 homicides and 3.2 million  
14 injuries each year, and its consequences can cross  
15 generations and truly last a lifetime; and

16           Whereas, the financial impact of domestic  
17 violence in the United States is also staggering.  
18 \$2.2 million are spent yearly to treat injuries  
19 related to domestic violence. \$4.1 billion are yearly  
20 on medical and mental health cost, and 8 million days  
21 of paid workdays each year due to domestic violence,  
22 totaling 37 billion in all costs related to this  
23 crime; and

24           Whereas, one in four US women has  
25 experienced domestic violence in her lifetime, and in



1 New Mexico, it has been most prevalent in Bernalillo,  
2 Quay and Union Counties; and

3           Whereas, Domestic Violence Awareness Month  
4 was created in 1987 to promote increased rights and  
5 services for domestic violence victims, to educate the  
6 public about this crisis, and to encourage involvement  
7 and support from our community for domestic violence  
8 victims and those who serve to help them; and

9           Whereas, organizations such the Domestic  
10 Violence Resource Center serve to make a positive  
11 impact in the lives of adult and child victims in  
12 order to break the cycle of domestic violence. There  
13 are over 15,000 domestic violence calls each year in  
14 Bernalillo County that span ethnic, economic, rural  
15 and urban populations.

16           The Domestic Violence Resource Center  
17 provides crisis intervention, safety planning,  
18 counseling and self-sufficiency services to 70 percent  
19 of all domestic violence victims in Bernalillo County  
20 seeking assistance;

21           Now, therefore be it resolved that the  
22 Bernalillo County Board of County Commissioners does  
23 hereby proclaim October 2013 as Domestic Violence  
24 Awareness Month in Bernalillo County and reaffirms the  
25 county's commitment to reduce violence in our homes.

1 We encourage residents to educate themselves about  
2 domestic violence to become familiar with the  
3 resources and programs such as the Domestic Violence  
4 Resource Center that are available to anyone who needs  
5 them.

6 Done this 8th day of October 2013,  
7 Bernalillo County, State of New Mexico Board of  
8 Commissioners Maggie Hart Stebbins, Debbie O'Malley,  
9 Art De La Cruz, Lonnie Talbert, and Wayne A. Johnson.

10 Would you like to say a few words?

11 MS. ROTRUCK: Thank you, Madam Chair,  
12 Commissioner O'Malley, other Commissioners. Thank you  
13 for having us here. My name is Sandra Rotruck, and  
14 I'm honored to serve as the president of the board of  
15 directors for the Domestic Violence Resource Center.

16 Thank you for acknowledging our work and  
17 thank you for acknowledging Domestic Violence Month.  
18 I would ask the staff members who are here, the  
19 executive director and board members who are here to  
20 stand, please.

21 As you can tell from the statements made in  
22 the proclamation, domestic violence touches each of us  
23 in some way. It impacts family members, friends,  
24 neighbors, coworkers, employers, schools, emergency  
25 responders, health care providers, prosecutors, local

1 and state agencies and the courts. Your support of  
2 the Domestic Violence Resource Center allows us to  
3 provide the services that Commissioner O'Malley  
4 discussed, plus other services.

5 One of the things we really try to do is to  
6 provide victims with skill building that may help them  
7 permanently remove themselves and their children from  
8 the cycle of domestic violence. Anyone who wants  
9 information about programs or activities can find us a  
10 Facebook at DVRCNM, or our website, [www.dvrcnm.org](http://www.dvrcnm.org).  
11 Anyone who needs assistance can also reach us on the  
12 website, or at our hotline at 884-1241.

13 Thank you very much.

14 COMMISSIONER O'MALLEY: Thank you very much and  
15 thank you all for your work. Would you come up and  
16 receive it.

17 CHAIRWOMAN HART STEBBINS: Moving on to Item 4C,  
18 Fire Prevention Week. Commissioner Johnson.

19 COMMISSIONER JOHNSON: Thank you, Madam Chair.

20 And annually we try and recognize Fire  
21 Prevention Week. As chief Barka, newly Chief Barka,  
22 and Chief Gober make their way down, I'm going to go  
23 ahead and read this proclamation.

24 Whereas, fire is a serious public safety  
25 concern, and homes are the locations where people are

1 at greatest risk from fire. And the County of  
2 Bernalillo is committed to ensuring the safety and  
3 security of all these living in and visiting our  
4 county; and

5           Whereas, home fires killed more than 2300  
6 people in the United States in 2012, according to the  
7 latest research from the Nonprofit National Fire  
8 Protection Association, and fire departments in the  
9 United States responded to more than 365,000 home  
10 fires; and

11           Whereas, cook is the leading cause of home  
12 fires, and two of every five homes fire being in the  
13 kitchen, more than any other place in the home, and 57  
14 percent of reported nonfatal home cooking fire injuries  
15 occurred when the victims tried to fight the fire  
16 themselves; and

17           Whereas, working smoke alarms cut the risk  
18 of dying in reported home fires, in half and automatic  
19 sprinkler systems cut the risk of dying in a home fire  
20 by about 80 percent; and

21           Whereas, the 2013 Fire Prevention Week  
22 theme, Prevent Kitchen Fires, effectively serves to  
23 remind us all to stay alert and use caution when  
24 cooking to reduce the risk of kitchen fires during  
25 Fire Prevention Week and throughout the year.

1           Now, therefore, be it resolved, the  
2 Bernalillo County Board of County Commissioners  
3 proclaims October 6 through 12, 2013 as Fire  
4 Prevention Week and urges all the people of Bernalillo  
5 County to protect their homes and families by heeding  
6 the important safety messages of Fire Prevention Week  
7 2013 and to support the many public safety activities  
8 and efforts of the Bernalillo County Fire Department.

9           Done this 8th day of October 2013 in  
10 Bernalillo County, State of New Mexico. Maggie Hart  
11 Stebbins, Chair; Debbie O'Malley, Vice Chair; Art De  
12 La Cruz, Member; Lonnie C. Talbert, Member; and Wayne  
13 A. Johnson, Member.

14           Chief and Chief.

15           CHIEF BARKA: Thank you. Madam Chair,  
16 Commissioners, thank you for this proclamation. It's  
17 something dear to our hearts. One of the most  
18 important things, other than being ready to respond is  
19 going out there and preventing the fire, I think. We  
20 do it all year long. We try not to focus on just the  
21 one week. We try to get out to all the communities  
22 throughout the year. We do about an average of three  
23 fire prevention activities per week in the county.  
24 And it's our goal to try to basically put us out of a  
25 job, because I believe the best thing at a firefighter

1 can do is prevent the fire.

2 CHIEF GOBER: Madam Chair, Commissioners, just  
3 to echo what Chief Barka said, thanks for the  
4 proclamation. I know how he feels, and I feel the  
5 same way, that education and prevention of fires is  
6 our main goal and our main job. And if we can prevent  
7 a fire, we can save a life.

8 COMMISSIONER JOHNSON: Thank you, Chief. Both  
9 of you and to the department, you really do do an  
10 excellent job of education and reaching out to the  
11 public and working with them to prevent fires. Fire  
12 Prevention Week is just a time of the year that we  
13 highlight this, but this goes on every day of the  
14 year.

15 And being from District 5, which is East  
16 Mountains, I'm also going to throw a pitch in for  
17 defensible space. If you haven't created your  
18 defensible space, get out there and do it if you live  
19 in the mountains. It makes a real difference as to  
20 whether or not a fire will spread and whether or not  
21 we can defend your home. So remember to do that if  
22 you're in the East Mountains or in a wooded area in  
23 Bernalillo County. Why don't you all come up and  
24 receive this.

25 CHAIRWOMAN HART STEBBINS: Wait. We have some

1 other people.

2 COMMISSIONER JOHNSON: Oh, sorry. Pardon.

3 CHAIRWOMAN HART STEBBINS: Commissioner De La  
4 Cruz.

5 COMMISSIONER DE LA CRUZ: Thank you, Madam  
6 Chair.

7 Chief, I hate to tell you, you're probably  
8 not going to be out of work any time soon, because I  
9 almost lit my backyard with my barbecue last week.

10 But, you know, since this is Fire Prevention  
11 Week, I want to take a moment to commend our fire  
12 department. I notice there's another firefighter back  
13 there, I'd like him to come down here, William Walker.  
14 Come and join these guys, William.

15 Chief, the staff of Bernalillo County does  
16 an amazing job. It's getting better. And I think  
17 under your leadership as well, Chief, now we're moving  
18 in a very, very strong and positive direction. So  
19 keep up the good work. Please pass along the thanks  
20 of all this commission for the professionalism.

21 And we did a tour the other day, you and I,  
22 to the fire stations in District 2, and it was  
23 heartwarming to visit some of the very dedicated men  
24 and women of the department. And so I was just  
25 incredibly proud. So it was really fresh on my mind,

1 because I was just with you last week or so. So  
2 please remember to thank everybody and keep up the  
3 good work. Thank you, Madam Chair.

4 CHAIRWOMAN HART STEBBINS: Thank you.

5 And I would like to echo the comments, the  
6 congratulations and the thanks to our Bernalillo  
7 County Fire Department. You are certainly second to  
8 none, you do a great job and we are very proud of you.

9 I have one question, Chief Barka. This  
10 proclamation talks about the fact that an automatic  
11 fire sprinkler system cuts the risk of dying in a home  
12 fire by 80 percent. What is the requirement, what  
13 does our fire code say about the need for automatic  
14 fire sprinkler systems in homes?

15 CHIEF BARKA: Madam Chair, currently the code,  
16 you'd have to adopt an amendment to our code, which we  
17 did. Anything over 6,000 square feet of residential  
18 are required to have a sprinkler system. And under  
19 that, over 3,000, it would be based on whether or not  
20 -- where you're located, how close the hydrants are,  
21 the access to the home, a couple of other things that  
22 we actually added to the code to do that in order to  
23 help reduce the spread of fire in those bigger homes  
24 that we can't get to as quickly.

25 The smaller ones, they're being built a



1 little better. We've been working with the home  
2 builders association to make sure that they are built  
3 a lot better, make sure we have the hydrant systems  
4 two ways out, to try to also reduce that risk, as well  
5 as getting our firefighters out there quicker with a  
6 better response and alerting system.

7 CHAIRWOMAN HART STEBBINS: So does our fire code  
8 follow best practices? Does it reflect what you have  
9 in the City of Albuquerque or other local governments  
10 such as ours?

11 CHIEF BARKA: Madam Chair, currently our code is  
12 probably one of the better ones in the state. There  
13 are better ones around the county, but ours is  
14 probably the best in the state when it comes to  
15 residential protection.

16 CHAIRWOMAN HART STEBBINS: All right. If there  
17 are no other comments, we'd like to invite you up to  
18 receive the proclamation.

19 CHIEF BARKA: Real quick, just to mention, this  
20 is Captain Walker. He actually manages our fire  
21 prevention program. He actually sets up the dates and  
22 schedules those events when people call in for them.  
23 I don't know if he want to say anything.

24 CAPTAIN WALKER: No, thank you. Thank you for  
25 everything.

1           CHAIRWOMAN HART STEBBINS: So that ends on  
2       proclamations for tonight. We now are on to  
3       certificates and awards, Item 5A. And I'm very  
4       pleased to -- Mr. County Manager, do you want me to  
5       read this first and then you speak, or would you like  
6       to speak first.

7           MR. ZDUNEK: I'd like just to say a few words  
8       about this. As you all know, when I first became the  
9       interim county manager, one of the first goals I  
10      wanted to have was to start tracking ourselves on  
11      standards and measuring ourselves against other  
12      agencies. And even though we think we do a good job  
13      in all categories, it's nice to see if we are.

14                 So it was with a lot of work that I gave  
15      Kevin that task and he's been working very hard on  
16      that, and consequently, he was able to achieve a  
17      plaque that I think is deserving to have Kevin talk  
18      about.

19           MR. KINZIE: Thank you, Tom.

20                 Well, you know, just a few -- Madam Chair,  
21      Commissioners, just a few years ago, where did the  
22      public find performance data about Bernalillo County?  
23      Well, really, the only place we published it was in  
24      the budget book, which is about a 400-page document,  
25      and the performance data was spread throughout. And

1 we only published that book about every two years. So  
2 we really weren't doing a good job of painting our  
3 performance picture to the public.

4 So currently, though, fast word to today,  
5 driven in large part by this commission and  
6 implemented by our county manager, performance data is  
7 readily available on BernCo View under the label  
8 "County Performance Data."

9 And really, what we see in that date,  
10 there's really three products that make up our  
11 performance data. One is the strategic plan, which  
12 you adopted in April of this year. Along with that,  
13 you adopted a set of performance measures to measure  
14 that. And all on BernCo View, that is now updated  
15 through FY13. So you'll see a current set of  
16 performance measures, so we can begin tracking the  
17 performance of our strategic plan over time.

18 You'll also see the performance book.  
19 Department-level performance measures are not updated  
20 quarterly and placed on BernCo View. Again, you don't  
21 have to wait two years to see how our departments are  
22 doing relative to their performance measures. You can  
23 now see that on a quarterly basis. On BernCo View,  
24 now that's updated through FY13. But the end of this  
25 month, we'll have the first quarter of FY14's data

1 posted there as well.

2           The other product that's on that site is  
3 that comparative data report. As members of the ICMA  
4 Center for Performance Measurement, we're able to  
5 compare how we do performing a variety of services to  
6 how other jurisdiction do relative to their cost,  
7 relative to output, those sorts of things. So it  
8 provides a real valuable tool. As Tom was saying, how  
9 do we benchmark? How do we compare ourselves to  
10 others? And this is a tool that we use to be able to  
11 do that. So together, these three products paint a  
12 more robust picture of the county's strategic focus  
13 and performance than has ever existed. So that's  
14 something we should all be proud of.

15           So this award is given to us by the ICMA  
16 Center for Performance Measurement recognizes  
17 jurisdictions for their performance measurement, but  
18 it also has some other criteria, and part of that  
19 criteria is training and educating new and existing  
20 employees on our performance measurement system. And  
21 one of the ways we do that is that new employee  
22 orientation. We give them a presentation about the  
23 strategic plan, about performance measurement, and  
24 also through the training that's offered by our human  
25 resources department, the 40-hour supervisory

1 training, the managers conference that's held  
2 annually, those kinds of ways to educate our employees  
3 about the importance of this.

4 So we're going to continue to report and  
5 improve the way we report in terms of the graphic  
6 presentation, how we report that data. It's new, but  
7 it will evolve and get better over time. And really,  
8 to me, this recognition is really a tribute to the  
9 commission, to our county manager, because it's the  
10 leadership behind this that makes this possible. So  
11 thank you very much.

12 CHAIRWOMAN HART STEBBINS: Thank you. So I  
13 would like to read this acknowledgement.

14 The Bernalillo County Board of Commissioners  
15 does hereby acknowledge Bernalillo County for  
16 receiving a Performance Measurement Certificate of  
17 Achievement Award from the International City/County  
18 Management Association, that's ICMA, which is  
19 headquartered in Washington, D.C.

20 ICMA has determined that Bernalillo County  
21 is one of only seven sites in the country to merit the  
22 honor this year. The county was selected based on its  
23 exceptional efforts to track, report and act upon its  
24 performance data posted this year on its website,  
25 industry experts say that exceptional performance data

1 management can reduce costs, prioritize projects,  
2 improve quality and encourage governmental  
3 accountability and transparency.

4           So that ends the acknowledgement, but I  
5 would just like to add that I think this is a great  
6 accomplishment. I think this speaks volumes about  
7 what this commission had asked out of county staff and  
8 how well county staff has delivered.

9           Mr. County Manager, Kevin, I know you two  
10 have spearheaded this project, starting with the  
11 strategic plan, which laid out very clearly what our  
12 mission is, what our goals are and how to meet those  
13 goals, I think. And your willingness to post that on  
14 the website is very brave and remarkable, because I  
15 know there are some places where we come up short,  
16 some places where we are exceptional. And I know that  
17 you have a commitment in the places where we are not  
18 up to best practices, up to standards, you have a  
19 commitment to getting there.

20           So I think, again, this is kind of an  
21 outgrowth of a lot of the work that's been done on  
22 this commission over the last four years, a commitment  
23 to transparency, to putting information out where the  
24 public can see it. And I just am really thrilled and  
25 really proud of our county staff for this recognition

1 because it really does say a lot about what you've  
2 done and how far you've come. So thank you.

3 Commissioner Johnson.

4 COMMISSIONER JOHNSON: Thank you, Madam Chair.  
5 I think, if you notice, that certificate was just on a  
6 piece of paper from any printer that we have. I think  
7 it's our dedication to fiscal responsibility that we  
8 didn't pay for a frame for us, but the sentiment is  
9 still the same.

10 CHAIRWOMAN HART STEBBINS: We are now on public  
11 comment. So we have -- I think since we have a couple  
12 of public hearings, I hope everyone is signed up on  
13 the correct sheet.

14 We will have general public comment first,  
15 and then when we get to Item 9A, we will have public  
16 comment from the individuals who signed up for that  
17 particular public hearing. So as always, our public  
18 comment is limited to two minutes per individual. A  
19 bell will ring when 90 seconds has elapsed, giving you  
20 30 seconds to conclude your comments.

21 So we have two people signed up for general  
22 public. We're starting with Diane Layden, followed by  
23 Don Schrader.

24 MS. LAYDEN: Madam Chair and Honorable Board of  
25 County Commissioners, I'm Diane Layden. I'm a college

1 professor who came to Albuquerque in 1969. My field  
2 is American studies.

3 In May 2009, abortion provider, Dr. George  
4 Tiller was assassinated in Wichita. Since then, I  
5 have researched and published papers about his murder.  
6 Like Wichita, Albuquerque has been called the abortion  
7 capital of the U.S. by the anti-abortion movement. I  
8 ask you as political leaders to encourage people in  
9 our community to hold peaceful and respectful  
10 conversations about abortion, existing legal doctrines  
11 and women's reproductive health care.

12 I have brought you about a book about  
13 Wichita's experience with the controversy for the past  
14 25 years that I hope you will read or will have your  
15 staff read. Also, I am enclosed three national news  
16 articles about the anti-abortion movement in  
17 Albuquerque and Wichita. Our community generally has  
18 a history of tolerance for diverse views. Let's  
19 continue that history. And thank you.

20 CHAIRWOMAN HART STEBBINS: Thank you. Next we  
21 have Don Schrader.

22 MR. SCHRADER: U.S. nuclear bombs designed at  
23 Sandia weapons lab are prepared to commit mass murders  
24 worldwide thousands of times larger than the  
25 atrocities of 9/11/2011. U.S. nuclear bombs are



1 prepared to slaughter far more people than all of the  
2 wars in human history combined. U.S. nuclear bombs  
3 threaten to incinerate many times more moms, dads and  
4 children than Hitler and the Nazis killed in gas  
5 ovens, concentration camps and World War II. U.S.  
6 nuclear bombs are aimed to murder far more human  
7 beings than all of the street gangs, drug dealers,  
8 drunk drivers, rapists, deranges spouses, serial  
9 killers, Ku Klux Klan, and the Mafia combined murder.

10 Talk about street gangs showing no  
11 conscience in drive-by shootings. What about gangs of  
12 Ph.D. scientists showing no conscience in preparing  
13 the bombing of whole cities, the terrorizing of whole  
14 nations. A life-giving job at minimum wage is  
15 infinitely better than a mass-murder job at Sandia  
16 weapons lab, Lockheed Martin, Los Alamos weapons lab,  
17 or Kirtland Air Force Base.

18 CHAIRWOMAN HART STEBBINS: Thank you. That  
19 concludes our public comment period. We are now on  
20 approval of the minutes. I move we approve the  
21 September 24, 2013, administrative meeting minutes.

22 COMMISSIONER TALBERT: Second.

23 CHAIRWOMAN HART STEBBINS: We have a second from  
24 Commissioner Talbert.

25 All in favor, say aye.

1 ALL MEMBERS: Aye.

2 CHAIRWOMAN HART STEBBINS: Opposed?

3 Motion passes unanimously.

4 (5-0 vote. Agenda Item 7A approved.)

5 CHAIRWOMAN HART STEBBINS: We are now on the  
6 consent agenda. And I would like to move Item 8C off  
7 the consent agenda, if there's no objection. That is  
8 the project documents for the Valencia Retirement  
9 Apartments project. If there's no objection, I will  
10 take that off the consent agenda and move it to  
11 approvals. We'll move that to 11B.

12 All right. I move we approve the consent  
13 agenda minus Item 8C.

14 COMMISSIONER O'MALLEY: Second.

15 CHAIRWOMAN HART STEBBINS: We have a second from  
16 Commissioner O'Malley. All in favor, say aye.

17 ALL MEMBERS: Aye.

18 CHAIRWOMAN HART STEBBINS: Opposed?

19 That motion passes unanimously.

20 (5-0 vote. Agenda Item 8 approved,  
21 as amended.)

22 CHAIRWOMAN HART STEBBINS: We are now on -- we  
23 have had requests that we move Item 14B to this point  
24 in the agenda. So we are now on 14B, presentation and  
25 discussion of the 2014 New Mexico Association of

1 Counties legislative priorities.

2 And I think we will have our esteemed county  
3 clerk, Maggie Toulouse Oliver, present this item.

4 MR. OLGUIN: Madam Chair, Commissioners, you  
5 might use the term "present" loosely in regard to my  
6 piece this evening.

7 I'm actually just going to introduce Tasha  
8 Young, who is a beloved lobbyist with -- no, that's  
9 not meant to be a joke -- with the New Mexico  
10 Association of Counties. My purpose tonight, as the  
11 county's representative on the county's board, was to  
12 facilitate the presentation of the priorities with you  
13 all. This was a request that was made by the lobbying  
14 team just to make sure that you all are fully apprised  
15 of what the Association of Counties priorities were  
16 for this upcoming legislation.

17 And so with that, I'm going to hand it over  
18 to Tasha.

19 MS. YOUNG: Thank you very much, Madam Clerk.  
20 Members of the Commission, that was part of the  
21 introduction I was going to do, so that was very  
22 helpful.

23 The Association of Counties legislative  
24 resolutions begin in June in our annual meeting. It  
25 was in Clovis this year. And they come from many of

1 our affiliates. And then in August, we have a board  
2 meeting, at which we choose the priorities. So we had  
3 18 resolutions and we got that down to seven; still a  
4 pretty big number in August.

5 Madam Clerk was not able to be with us, but  
6 Commissioner O'Malley was her proxy that day in Angel  
7 Fire. And interestingly, our board, which has one  
8 member from each county, I wrote the numbers down,  
9 there are 20 commissioners, five clerks -- they're all  
10 elected officials -- five clerks, five assessors,  
11 three treasurers and one sheriff. That totals 34, but  
12 the president's county gets a second member.

13 But the resolutions, as you will see from  
14 the information we gave you, were pretty broadly  
15 spread. There are two from the assessors, two from  
16 the treasurers, one from the clerks and one from the  
17 commissioners and one from the detention  
18 administrators. So I thought that demonstrated a  
19 pretty broad outlook.

20 And I'm going to go through these fairly  
21 quickly, but I have behind me, in case you ask me any  
22 technical questions, your county assessor and her  
23 chief deputy. I believe Isabel Purcella, the chief  
24 deputy from the treasurer's office is also here.  
25 Deputy County Manager Swisstack is here if you have

1 questions on the detention priorities. And, of  
2 course, Madam Clerk is here as well.

3 So we have seven priorities. You have a  
4 long agenda and you've been here a while, I'm going to  
5 go quickly, until you stop me with question.

6 So I am going to begin with the residential  
7 evaluation priority, and this came from our county  
8 assessors. It's legislation that we introduced last  
9 year. What we are trying to do is to make our  
10 property tax valuation system equitable, fair, which  
11 is it not now because it punishes people who are new  
12 homeowners. The existing 3 percent cap comes off in  
13 the first year that you buy a new home. And so that  
14 creates an inequity. We want it to be transparent and  
15 understandable so that you will be able to talk to  
16 your neighbor about your property taxes and understand  
17 why your home is valued the way it is. And that also  
18 is not true at this point in time. Everyone agrees  
19 that this is a good time to try to do this because  
20 values are still somewhat depressed property values.

21 And the proposal that we made to the  
22 legislature last year, and it was modified somewhat,  
23 essentially was that all taxpayers are moved to not  
24 less than 70 percent of value in the first year, and  
25 then not less than 85 percent of value in the next

1 year. But we had a particular concern that we know is  
2 shared by just about everyone, I think, and that was  
3 that nobody get forced out of their home because of an  
4 increase in property taxes. So we built into the bill  
5 that we introduced last year two limitations, a 10  
6 percent limitation for people who have lived in their  
7 homes for 10 years at least. And then if they're 20  
8 years and they're over 65, a 20 percent limitation.  
9 So that was a way of -- and you have to be a New  
10 Mexico resident to get that limitation.

11 We're not sure exactly what the legislation  
12 will look like this year, and sometimes it takes more  
13 than one year. But what happened last year and I  
14 think will happen this year was we had a very good  
15 discussion and increased everybody's understanding  
16 about how property taxes work.

17 CHAIRWOMAN HART STEBBINS: Commissioner Johnson.

18 COMMISSIONER JOHNSON: Thank you, Madam Chair.

19 Looking at the assessed value, part of the  
20 equation is important. But are you looking at the  
21 whole property tax assessment picture, including yield  
22 control and how it affects those property taxes?  
23 Because you've got a cap working over here and you've  
24 got yield control working over there, and they  
25 sometimes work at cross purposes. Addressing one

1 without addressing the other may not result in what  
2 you're attempting to achieve.

3 MS. YOUNG: Well, it's a significant question,  
4 and I believe last year there was legislation. It's  
5 not in our resolution. But I understand exactly what  
6 you're saying, and I've heard people say that yield  
7 control isn't working.

8 I mean, the real problem with yield control  
9 is trying to explain it, has been my experience. And  
10 I think you maybe someone who is better able to do  
11 that than most. But right now it's in our resolution.  
12 We certainly wouldn't be averse to considering  
13 supporting something like that.

14 COMMISSIONER JOHNSON: It wouldn't be a bad idea  
15 to look at the overall picture, because the assessment  
16 is just the beginning of the property tax calculation  
17 and not the end of it, and yield control --

18 MS. YOUNG: That's a message that I will take  
19 back. Thank you. I appreciate that.

20 The second one related to property tax would  
21 -- also from the assessors would change the existing  
22 law so that the assessor has sales price data from  
23 nonresidential as well as residential properties. And  
24 we wrote into that resolution a couple of exceptions  
25 for agricultural land valuation and for mining

1 subsurface rights, at the request of the lobbyist for  
2 those people, quite frankly. And the argument for  
3 this is that we should give our county assessors the  
4 tools they need to be their job of valuing property.  
5 And right now, they have that sales information only  
6 for residential properties. So this would expand it  
7 to nonresidential.

8 I think I heard the other day that there  
9 are -- I'm not sure I remember that number -- a  
10 limited number of states that do not now do that. And  
11 I should say also that is confidential information.  
12 Somebody said once in a meeting that the clerks have  
13 that information. They do not and they don't want it,  
14 because all of their records are public records, so  
15 that would be confidential information. Those are the  
16 two resolutions from the assessors.

17 Just going through this in order here, we  
18 have one from the clerks, and that resolution would  
19 require liens on property to contain language that  
20 notice of a lien was sent to the property owner prior  
21 to filing the lien. That's a relatively simple and  
22 straightforward issue. In one of these county  
23 meetings -- and I think these are really good, because  
24 what that requires is for us to come back to you, kind  
25 of circle back and say here's what our board decided,



1 and take these to as many counties as possible. I  
2 think you're the 18th county to consider this. So far  
3 we have approval from 17 counties. So that one would  
4 do that. But in one of the counties, they suggested  
5 that we add language that says either prior to or  
6 within 30 days of filing the lien. So we're planning  
7 to make that technical change.

8 And as they say in the legislature "seeing  
9 none," is the first question, so I'm going to keep  
10 going. The next two relate to detention issues. And  
11 I understand the first one came originally from  
12 Bernalillo County. And that is to change the law to  
13 allow for the suspension of Medicaid, suspension  
14 rather than termination of Medicaid benefits for  
15 detainees in the county facilities. And I was looking  
16 at the original resolution here, I can get to that  
17 page in just a minute, and what it says is that -- I'm  
18 sure you all know this, but lack of access. What this  
19 would mean would be that prisoners would have access  
20 to health care and federal benefits. Lack of access  
21 to health care after discharge from incarceration  
22 including treatment for substance use and mental  
23 health disorders is a major risk factor for recidivism  
24 and for committing crimes in people with untreated  
25 substance use and mental disorders. We're told by the

1 center for Medicaid studies at the federal level that  
2 it is possible to do that.

3 As we go forward with this resolution what  
4 we're doing is talking to the relevant state agencies,  
5 and, in this case, the Human Services department to  
6 work out a way to do this. But everyone agrees that  
7 if you could do it, you would not only save money, but  
8 health insure the mental health of folks so that they  
9 don't come back to the detention facilities. And I  
10 think you for bringing forward that resolution.

11 CHAIRWOMAN HART STEBBINS: Thank you. Can I ask  
12 a question about that? So we've heard that the  
13 governor's veto message, when this came up, when it  
14 was Senate Bill 65, that the veto message said this  
15 could be done administratively. Was that meaning tan  
16 state government could do it administratively or local  
17 governments could do it administratively? Is this  
18 something that MDC could be doing on its own?

19 MS. YOUNG: We Read the message this morning and  
20 met with the original sponsor or that legislation,  
21 Senator Ortiz Y Pino, today.

22 It's our understanding that she was talking  
23 about state government. And we have had a meeting  
24 with them to talk about doing this. And then the  
25 message that we're getting is that at this point in

1 time, there are no software, can't do that. So we're  
2 trying to get past that point.

3 CHAIRWOMAN HART STEBBINS: So the state's new  
4 software.

5 MS. YOUNG: Well, the state administers the  
6 Medicaid benefits. That's the issue I think.

7 CHAIRWOMAN HART STEBBINS: Okay. Thank you.

8 MS. YOUNG: Thank you for the question.

9 And the second priority also relates to --  
10 this one I don't need to look at, because I've been  
11 working with this tax for quite a while. But this is  
12 a proposal to increase an existing tax, I want to say  
13 that, not create a new tax, increase an existing  
14 county local option gross receipts tax increment.  
15 There are about 16 of those.

16 This particular one, in your packet, it says  
17 25 counties have already enacted it. I rechecked  
18 that, it's 26 counties. This is a tax that was  
19 broadened in 2004 so that you could use the money not  
20 just to build a jail but to maintain a jail, so it can  
21 be accused for operations. And I think that's why so  
22 many man counties have imposed it. But because 26 of  
23 the 33 counties -- and not all counties have jails.  
24 There are at least -- I think there are 28 that do --  
25 that tax is pretty much maxed.

1           So our proposal is to add two one-sixteenths  
2 to the existing tax; in other words, to double it.  
3 But it would be a local option tax. So you could  
4 choose or not -- choose to enact that tax. It is a  
5 tax without referendum. There is a negative petition  
6 authority in there, so if voters choose to put it on  
7 the ballot, they can do so. So that's an increase of  
8 an existing tax. And that also goes to the cost of  
9 detention, which -- you know, I used to say that the  
10 biggest issues for counties when I was hired were  
11 roads, roads, roads, and that's still true, but  
12 detention costs I think are a major problem in just  
13 about every county.

14           And then finally we have two resolutions  
15 that come from our county treasurers. One of them has  
16 to do with installment payments, whether they can  
17 taken at the county level. And the other one has to  
18 do with the delinquent property tax list. And what  
19 I'm going to say broadly about that is that in both  
20 cases, the intent of the county treasurers was to  
21 ensure that the money that is collected stays within  
22 the county to the greatest extent possible rather than  
23 being sent to the state or collected at the state and  
24 then held there for a fairly long period of time; that  
25 it stays at the county and can be distributed to all

1 of the taxing entities in the county more rapidly.  
2 That's the way we issue for the treasurers in both of  
3 those resolutions. And as I said, my experts are in  
4 the room if you have more questions.

5 CHAIRWOMAN HART STEBBINS: Commissioners,  
6 questions?

7 We don't have any actions scheduled on this,  
8 whether we're going to support them or not, but that  
9 might be something that would come up on a later  
10 agenda. So thank you very much.

11 Thank you, Commissioner O'Malley, for being  
12 part of that meeting.

13 Thank you, Tasha.

14 MS. YOUNG: Thank you, Commissioner.

15 And, thank you, Madam Clerk.

16 MS. OLIVER: Thank you, Commissioners.

17 CHAIRWOMAN HART STEBBINS: We are now on Item  
18 9A, adoption of AN ordinance TO prohibit picketing of  
19 residences. And since this is final passage, this is  
20 our final vote on this issue, we will conduct a public  
21 hearing. I don't know if staff -- Randy, if you want  
22 to start the discussion and then we'll hold a public  
23 hearing.

24 MR. AUTIO: Commissioners, Madam Chair, this  
25 item arose out of a realization that we were operating

1 in the county with a tool that the city has to deal  
2 with picketing directed at a particular residence so  
3 that it takes on a tone that is not simply about  
4 speech but it is directed toward behavior that may be  
5 intimidating to a particular resident. And the United  
6 States Supreme Court has made an exception to the  
7 general rule that picketing is allowed in any public  
8 place.

9 And with that exception, I think it's a  
10 narrow exception and I think we should adopt it, given  
11 that we can have some greatly negative effects on  
12 private citizens. And our amendment puts us on equal  
13 footing as the ordinance in the city, and it also is  
14 in conformance with the United States Supreme Court  
15 decision.

16 CHAIRWOMAN HART STEBBINS: All right.  
17 Commissioners, any questions at this point in time?

18 We will now hold our public hearing. We  
19 have three people signed up to speak, so we'll start  
20 with Joan Lamunyon, followed by Michelle Racicot, and  
21 followed by, looks like, Rey Dominguez.

22 So as always, public comment is limited to  
23 two minutes. A bell will ring when 90 seconds has  
24 elapsed, giving you 30 seconds to conclude your  
25 comments. Thank you.

1 MS. LAMUNYON: Madam Chair, Commissioners, thank  
2 you very much. My name is Joan Lamunyon Sanford and I  
3 am the executive director of the New Mexico Religion  
4 Coalition for Reproductive Choice. That is coalition  
5 of progressive Christian and Jewish denominations,  
6 congregations and people of faith and conscience. And  
7 our motto is pro-faith, pro-family and pro-choice.

8 In that capacity, we had several, over 40  
9 individuals who volunteered as legal observers during  
10 the week when the anti-abortion extremists were here  
11 in Albuquerque. And what they observed was a  
12 frightening, methodical increase in rhetoric and  
13 agitation by these young people each day as they were  
14 methodically trained and, in my opinion, brainwashed,  
15 throughout the week, until the last week when they  
16 finally were unleashed at the home of a private  
17 residence, a doctor here in Albuquerque.

18 In 2007 in Wichita, Kansas, when Operation  
19 Rescue Bud Shaver, who has moved here to Albuquerque  
20 with his family, hijacked the pulpit and disrupted the  
21 holy communion service at Reformation Union Church in  
22 July of 2007. His actions gave their follower  
23 supporter, Scott Roder, permission to enter the same  
24 church, and less than two years later, murder  
25 Dr. George Tiller.

1           Abortion provider have been the target of  
2 violence and harassment for many years. Anti-abortion  
3 violence and harassment ranges from picketing, to  
4 protesting, to arson and even murder. Extremists  
5 often picket staff doctors at their home. And this  
6 residential picketing frequently leads to more  
7 violence. I urge you to support this ordinance, this  
8 prohibition on residential picketing.

9           Thank you very much.

10           CHAIRWOMAN HART STEBBINS: Thank you. Next we  
11 have Michelle Racicot, followed by Rey Dominguez,  
12 followed by Katie stone.

13           MS. RACICOT: Madam Chair and Commissioners, as  
14 you know, here in New Mexico we value our freedoms and  
15 ability to express ourselves, however, there is a  
16 concern where freedom of expression collides with  
17 personal safety. Picketing the protesting has always  
18 had a place in history in a safe, open public venue  
19 and environment and allows beliefs and opinions to be  
20 heard by large audiences. However, picketing outside  
21 someone's home is opposite of that goal of expression  
22 and is in line with harassment and intimidation.

23           Many of us have attended rallies and  
24 protests. Some of us have experienced them around the  
25 country. Some of us have even experienced them in



1 smaller venues, such as myself, while deployed and  
2 doing dismounted patrols through the city. Targeting  
3 homes is done simply to protest and harass others.  
4 One thing we all have in common is the value we place  
5 on privacy and safety. My home, like yours, is my  
6 place of sanctuary. It's where I go after long hours  
7 as a nurse practitioner in urgent care. I consider my  
8 home a place where I can spend time with my family, I  
9 can rest, I can prepare and I can repair for the next  
10 day's community service.

11 I urge you to vote in accordance with this  
12 proposal. Our homes should remain private and safe  
13 location for our families. And our personal opinions  
14 and decisions should be kept within our own privacy.

15 Thank you very much for having us.

16 CHAIRWOMAN HART STEBBINS: Thank you.

17 Next we have Rey Dominguez, followed by  
18 Katie Stone.

19 MR. DOMINGUEZ: Ray Dominguez, Madam Councillor,  
20 Members of the Board. This is the face of an extreme  
21 terrorist, according to these two ladies that preceded  
22 you. They have called the police and the FBI on me  
23 repeatedly. They greet me, say, "Have a nice day,"  
24 and leave, while telling these ladies that I'm within  
25 my First Amendment rights.

1           What I came to tell you is, three counselors  
2 have brought up the sanctity of a man's home, but what  
3 of the greater sanctity of a woman's womb. Larry  
4 Leeman reaches into the sanctuary of a mother's womb  
5 and pulls out the arm of a squirming baby. He reaches  
6 in again and, again, tearing off that arms, legs and  
7 body. He ends by reaching in and crushing the baby's  
8 skull, sending the brain matter spilling out, leaving  
9 the woman empty in body and spirit.

10           Why not let the neighborhood know that they  
11 have an abortionist in their neighborhood and what he  
12 does. Let the neighborhood decide what it wants to do  
13 with this information. But don't trample on the First  
14 Amendment rights of Americans.

15           The second point, by requiring express prior  
16 consent of the occupants, the county is placing an  
17 unreasonable burden to free speech on the picketers.  
18 The county has no power or authority to require the  
19 occupant to perform in any way or obligate himself in  
20 any way. The failure to respond in a timely manner,  
21 would this be a consent to picketing by the owner?  
22 Can a public right-of-way which runs through a  
23 neighborhood be the object of a focus of this  
24 ordinance?

25           Thank you, Councillors.

1 CHAIRWOMAN HART STEBBINS: Thank you.

2 And, finally, we have Katie Stone.

3 MS. STONE: Madam Chair, Members of the  
4 Commission, thank you so much for hearing from me  
5 today. I'm the person who initially contacted you  
6 regarding the protest that was at the doctor's home,  
7 who's a dear friend of mine. This man really  
8 misrepresented him. Actually he's a professor of  
9 obstetrics and family practice at UNM. And if you  
10 have a critical kind of pregnancy and birth, he's in  
11 your court and he's your man.

12 But this ordinance is really not about one  
13 particular person, nor is it really about abortion or  
14 even a particular topic. It's about one thing, it's  
15 about maintaining peace domestic tranquility in our  
16 homes. It's about why I pay my property tax to  
17 Bernalillo County and how I expect the county's police  
18 to respond in an appropriate way should I be singled  
19 out and protested against at my home. It's about  
20 sparing families from harassment, intimidation,  
21 threats, verbal aggression, and even terrorism.

22 I was there that day while the doctor's  
23 three children were terrified inside their home,  
24 terrified so much so that the nightmares about that  
25 day have remained with his youngest child to this day.

1 And this organization that had initially traumatized  
2 this family has returned to Albuquerque from their  
3 out-of-state origins to continue this sort of protest.  
4 That why it's essential that you all take action today  
5 to protect all the families of Bernalillo County,  
6 whether or not we live in the city limits or outside  
7 of the city limits, to ensure that we have domestic  
8 tranquility in our homes.

9 Thank you so much. I'm Katie Stone and I  
10 live at 2520 Teodoro, Northwest, in Bernalillo County.  
11 Thank you. Appreciate it.

12 CHAIRWOMAN HART STEBBINS: Thank you. That  
13 concluded our public hearing.

14 Madam Clerk, may I have an ordinance number  
15 for Item 9A.

16 MR. OLGUIN: 2013-17.

17 CHAIRWOMAN HART STEBBINS: Commissioner  
18 O'Malley.

19 COMMISSIONER O'MALLEY: Thank you, Madam Chair.  
20 While the incident that has been referred to prompted  
21 the ordinance for the county, this ordinance for the  
22 county, it is not the reason behind the ordinance,  
23 because it really is not about one issue. It really  
24 is about allowing and respecting an individual's right  
25 to a safe enjoyment of their home.

1           This does not preclude folks from picketing,  
2     by the way, in residential areas. It prohibits  
3     protestors from targeting an individual's home, as was  
4     mentioned, basically staking out in front of someone's  
5     home and, really, I think violating their rights in  
6     terms of, again, their safe enjoyment of their home.

7           The city has an ordinance. It's my  
8     understanding that we're mirroring that ordinance.  
9     And ultimately, we would like the folks in the  
10    unincorporated areas, the families and residents in  
11    the unincorporated area to have the same ability or  
12    the same rights and protections as people within the  
13    City of Albuquerque.

14          Thank you, Madam Chair.

15          CHAIRWOMAN HART STEBBINS: Commissioners, any  
16    questions comments?

17          I have a question. Mr. Autio, is there  
18    anything in the Supreme Court decision allowing this  
19    type of ordinance that suggests that it is an  
20    infringement of the right to free speech?

21          MR. AUTIO: Madam Chair, it specifically -- the  
22    Supreme Court specifically found that this was a type  
23    of conduct that -- two things. It's a time, place and  
24    manner restriction. It doesn't say you cannot  
25    protest, and there are many alternative venues to do

1 that. And secondly, what was really happening here,  
2 what was being regulated was conduct more than speech.  
3 And so this type of an ordinance was upheld. And I  
4 believe that it does allow for the protection of free  
5 speech, while controlling conduct that can negatively  
6 impact someone's home.

7 CHAIRWOMAN HART STEBBINS: Do you know how long  
8 the city's ordinance has been in place?

9 MR. AUTIO: Madam Chair, I do not. I did not  
10 look at the date that it was enacted.

11 CHAIRWOMAN HART STEBBINS: Are you aware of any  
12 challenges, successful or unsuccessful challenges to  
13 that ordinance.

14 MR. AUTIO: I believe there was a challenge or  
15 at least there was a debate. However, it is still on  
16 the books and has not ever been held by a Court to be  
17 unconstitutional. And it was -- the Supreme Court  
18 case was passed or ruled on in the late 1980s. And  
19 so that law, according to the Supreme Court, has  
20 allowed municipalities and counties to enact such  
21 legislation since that time.

22 CHAIRWOMAN HART STEBBINS: All right.

23 Commissioners. Any other questions or  
24 comments? All right seeing none...

25 COMMISSIONER O'MALLEY: Madam Chair, move

1 approval.

2 COMMISSIONER DE LA CRUZ: Second.

3 CHAIRWOMAN HART STEBBINS: We have a motion to  
4 adopt Ordinance 2013-17, seconded by Commissioner De  
5 La Cruz. All in favor, say aye.

6 FOUR MEMBERS: Aye.

7 CHAIRWOMAN HART STEBBINS: Opposed?

8 ONE MEMBER: No.

9 Motion passes on a 4-to-1 vote.

10 (4-1 vote. Agenda Item 9A approved.

11 with Commissioner Johnson voting no.)

12 CHAIRWOMAN HART STEBBINS: We are now on Item  
13 9B, ordinance for Glenrio Apartments project.

14 Madam Clerk, may I have an ordinance number,  
15 please.

16 MS. OLIVER: For 2013-18.

17 COMMISSIONER HART STEBBINS: All right. Ms.  
18 Armijo.

19 MS. ARMIJO: Madam Chairwoman, the economic  
20 development staff recommends the approval of the  
21 ordinance authorizing the Bernalillo County Commission  
22 to an industrial revenue bond application in the  
23 amount of up to 11 million on behalf of Glenrio, LLLP.

24 I'll stand for any questions.

25 COMMISSIONER DE LA CRUZ: Move approval.

1 CHAIRWOMAN HART STEBBINS: We have a motion to  
2 adopt Ordinance 2013-18.

3 COMMISSIONER JOHNSON: Second.

4 CHAIRWOMAN HART STEBBINS: And a second from  
5 Commissioner Johnson.

6 Commissioners, any questions, comments?

7 Commissioner O'Malley.

8 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

9 My understanding is that the developer did  
10 reach out to the -- anyone want to speak to that? I  
11 had asked that the developer reach out to the  
12 neighborhood association to initiate a conversation  
13 with folks who responded. My understanding is there  
14 were some responses and there were some issues that  
15 were brought up. There was a letter from Mr. --  
16 Marcos, because you attended some of those meetings.

17 MR. MANNELIN: We sent out -- originally sent  
18 out e-mails to all of the homeowners associations that  
19 we were made aware of. We happened to have missed one  
20 from the last that we received from the county, and  
21 subsequently, we sent out a notice to them, as well.

22 We were then invited to participate in one  
23 of their homeowners meetings in which there was a  
24 couple different representatives from neighboring  
25 homeowners associations as well. It was a very good



1 meeting with them. It was nice to see how proud they  
2 are of their neighborhood and, likewise, they were  
3 receptive in some regards, but they also brought up  
4 some other issues, which hopefully you received a  
5 letter regarding the sewer. And there's a global  
6 issue for the region versus just the project. But we  
7 did not receive -- after our meeting, any other  
8 questions or comments road from these groups.

9 COMMISSIONER O'MALLEY: Then was some question  
10 about the road, is it Glenrio, and that I believe  
11 Councillor Sanchez was also at that meeting and stated  
12 that there would be -- there are planned improvements  
13 to that facility?

14 MR. MANNELIN: We did not know about that.

15 MS. ARMIJO: Marcos can speak to that.

16 MR. GONZALES: Madam Chairwoman and Commissioner  
17 O'Malley, Councillor Sanchez did say that there would  
18 be some improvements to the Glenrio Road, but he  
19 didn't indicate any further plans at the meeting.

20 COMMISSIONER O'MALLEY: I'm sure we'll be  
21 talking to him about that to make sure that -- at  
22 least to find out where that is in the plan, because I  
23 think that's going to be important.

24 And then it's important to know that the  
25 public that's listing, that we asked for certain

1 information, you looked into the school situation in  
2 terms of, you know, if there were possibly any  
3 overcrowding issues and you did get the information  
4 from APS, and so we did a lot of follow-up concerning  
5 this project.

6 MS. ARMIJO: Madam Chair, Commissioner O'Malley,  
7 yes, we did. We reached out to APS to do an impact  
8 analysis on the number of units and families. And  
9 they have a system in analyzing what the number of  
10 families and children -- I don't know how they get  
11 their variables, but they have a system in which they  
12 do that, and they did identify that there will be an  
13 overfill in K through 8 and middle school, but not in  
14 high school.

15 And they do have plans on addressing that in  
16 2017. Of course that's contingent on APS board  
17 approval and the voters.

18 COMMISSIONER O'MALLEY: Thank you.

19 MS. ARMIJO: Thank you.

20 CHAIRWOMAN HART STEBBINS: Any other questions,  
21 comments, Commissioners?

22 Seeing none, we have a motion and a second  
23 to adopt to Ordinance 2013-18 relating to the  
24 authorization, issuance and sale of multi-family  
25 housing revenue bonds. All in favor, say aye.

1 ALL MEMBERS: Aye.

2 CHAIRWOMAN HART STEBBINS: Opposed?

3 That motion passes unanimously.

4 (5-0 vote. Agenda 9B approved.)

5 CHAIRWOMAN HART STEBBINS: We have deferred Item  
6 10A. So we are now on Item 10B. Ms. Chavez.

7 May I have an administrative resolution  
8 number for 10B.

9 Ms. Oliver: AR 2013-64.

10 COMMISSIONER DE LA CRUZ: Madam Chair, I'd like  
11 to move approval.

12 CHAIRWOMAN HART STEBBINS: I would love to have  
13 a one-minute explanation. We have a motion and a  
14 second to approve.

15 COMMISSIONER JOHNSON: Second.

16 CHAIRWOMAN HART STEBBINS: Ms. Chavez.

17 MS. CHAVEZ: Madam Chair, Commissioners, good  
18 evening. We are requesting a name change that would  
19 represent the services that we provide as a  
20 department. We are proposing the name of planning and  
21 development services. We feel that it captures all  
22 the services that we provide and it is also a  
23 recommendation that we change the name to avoid  
24 confusion and to remove ourselves from operating in  
25 silos. And that's part of our whole improvement on

1 the customer service.

2 So we hope that with the name change, this  
3 kind of reflects the improved customer that we're  
4 trying to provide as a department.

5 CHAIRWOMAN HART STEBBINS: We have a motion from  
6 Commissioner De La Cruz to approve. Who seconded  
7 that?

8 COMMISSIONER JOHNSON: I did.

9 CHAIRWOMAN HART STEBBINS: Commissioner Johnson  
10 seconded that motion. All in favor, say aye.

11 ALL MEMBERS: Aye.

12 CHAIRWOMAN HART STEBBINS: Opposed?

13 Motion passes unanimously.

14 MS. CHAVEZ: Thank you.

15 (5-0 vote. Agenda Item 10B approved.)

16 (A copy of Administrative Resolution  
17 AR 2013-64 is attached hereto and  
18 numbered as Pages 57 and 58.)  
19  
20  
21  
22  
23  
24  
25

1 CHAIRWOMAN HART STEBBINS: We are now on Item  
2 11A. Commissioner Johnson.

3 COMMISSIONER JOHNSON: Thank you, Madam Chair.  
4 And at this time I want to bring up Frank Roth real  
5 quick. There have been some developments in the last  
6 couple of days regarding this issue, and I wanted to  
7 get Frank to give us a little bit of an update. And a  
8 lot of this, I have to say, comes as a result of our  
9 discussion two weeks ago. And I want to thank the  
10 water utility authority in advance for the work that  
11 they've done on this.

12 Mr. Roth.

13 MR. ROTH: Madam Chair, Commissioner Johnson,  
14 since the last meeting, there was a proposal in front  
15 of you to find, for lack of a better term, a funding  
16 gap between what was appropriated from the state in  
17 terms of the water trust board, and what was the  
18 engineer's estimate. There's a lot of unknown and  
19 some uncertainty in what the project would bid at.

20 So as a result, the executive director,  
21 because of this uncertainty, felt there was a state of  
22 urgency, so he directed staff to solicit bids to the  
23 pre-qualified on-call contractors through -- for plant  
24 facility construction. And so we got those bids in  
25 last Friday. We now know that one of the bids came

1 under what is the water trust board funding. And we  
2 are now working with the state environment department  
3 to get the review and approval of those -- the process  
4 that was used and the bids that came out as a result.  
5 And hopefully we'll have that in a matter of a few  
6 days.

7           So now we have kind of closed that  
8 uncertainty. We now know where the project stands and  
9 what we need in terms of additional funding to cover  
10 those items such as construction and inspection and  
11 the basic 10 percent in change orders that would  
12 occur, especially for a unique and difficult project  
13 on steep, rocky slopes that we're building on in  
14 Carnuel.

15           COMMISSIONER JOHNSON: And, Mr. Roth, I  
16 understand now that you're able to start the process.  
17 You can begin building because you do have a bid that  
18 is fully funded at this point, minus a 10 percent plus  
19 or minus contingency for change orders, correct?

20           MR. ROTH: Madam Chair, Commissioner Johnson, we  
21 do not have the go-ahead until we get that approval  
22 from the state on the bids and the process. So we  
23 cannot start get yet until we get the approval, but  
24 you are correct, the 10 percent change orders and  
25 construction inspection, engineering fees.

1           COMMISSIONER JOHNSON: So what I'm really  
2 getting at is, the environment has changed a bit here.  
3 The county's immediate commitment to fund an  
4 additional \$420,000 has changed considerably and isn't  
5 required at this point to begin, pending state  
6 approval, to begin construction on the project. Am I  
7 understanding that correctly?

8           MR. ROTH: Commissioner Johnson, that's correct.

9           COMMISSIONER JOHNSON: Thank you, Mr. Roth. I  
10 think that allows us to address some of the concerns  
11 of the board and staff concerns and take a more  
12 measured approach to finding funds for this project  
13 should it require some, as I expect it will, require  
14 some change orders and additional funding to round  
15 that out. It also ensures that are water trust board  
16 funding will be the funds of first resort in this  
17 project. And any additional county funds will truly  
18 be stopgap.

19           So, Madam Chair and Commissioners, I would  
20 move to defer this indefinitely at this point.

21           COMMISSIONER DE LA CRUZ: Second.

22           CHAIRWOMAN HART STEBBINS: We have a motion and  
23 a second to defer Item 11A.

24           Commissioners, any questions, comments?

25           I guess I have a question for staff. Or,

1 Mr. Roth, I guess you can answer this. So two weeks  
2 ago this was an extremely urgent, pressing matter.  
3 How have we come to this point just two weeks later,  
4 where this is no longer an issue?

5 MR. ROTH: Madam Chair, it is because, really,  
6 at the end of September, we had to have a decision in  
7 order to proceed to the formal bid process, and we  
8 have learned -- it is mostly the executive director's  
9 decision to -- felt there was urgency and uncertainty,  
10 and so he made the decision to go ahead and use the  
11 expedited bid process that is a very -- it is a  
12 competitive bid process and is allowed under our  
13 current procurement rules and procedures and  
14 ordinances.

15 So it is that certainty and that unknown  
16 that we felt that we had to move forward in order to  
17 give you the best information to make an important  
18 decision.

19 CHAIRWOMAN HART STEBBINS: Well, this certainly  
20 is good news. And I hope you will convey at least my  
21 thanks to Mark Sanchez and to your and to your staff  
22 for your speedy work on that.

23 Again, I think, you know, we were lead to  
24 believe we were the difference between clean water and  
25 no clean water. And it's good to know that there have



1 been other actions taken that have resolved this  
2 issue. I think all of us were certainly willing to  
3 look for other funding sources. I think we've made  
4 that clear. And it's good at least at this point in  
5 time that everything seems to be funded. So thank you  
6 Mr. Roth.

7 Commissioner De La Cruz.

8 COMMISSIONER DE LA CRUZ: Thank you, Madam  
9 Chair. I appreciate the comments that you just made.  
10 Almost simultaneously, I know that on the morning  
11 after the meeting that we held, Commissioner O'Malley  
12 and myself did reach out to the executive director and  
13 asked him to find ways to make this possible without  
14 necessarily having to have an increase in funds.

15 I think he and staff, Mr. Roth, others did a  
16 fabulous job. And, you know, it's sometimes makes the  
17 difference to just ring somebody a little bit harder  
18 till you get what you need.

19 So, thank you, Madam Chair, and I also want  
20 to thank Commissioner Johnson for his leadership on  
21 this.

22 CHAIRWOMAN HART STEBBINS: Commissioner  
23 O'Malley.

24 COMMISSIONER O'MALLEY: Thank you, Madam Chair.  
25 I also want to add my thanks to manager Mark Sanchez

1 and also to you, Mr. Roth, for your willingness to go  
2 back and look at this again. You know, as we had  
3 earlier in the day, earlier meetings, just how  
4 difficult it is and what we're looking at in terms of  
5 projects moving forward and having to, you know, put  
6 them off because our financial situation. And so  
7 we've had to reassess those projects.

8 And so now there's -- you know, we don't  
9 have to have a commitment for \$400,000 and this  
10 project can move forward, so I'm glad to see that.  
11 You know, again I appreciate the willingness to look  
12 at this. We were all trying to figure this out  
13 afterwards. We are also very aware of the need for  
14 clean water, especially in these outlying communities,  
15 and how important it is that they be able to access  
16 it. Of course the cost is pretty significant and  
17 that's something we have to be mindful of. So, again,  
18 my thanks.

19 CHAIRWOMAN HART STEBBINS: Commissioner Johnson.

20 COMMISSIONER JOHNSON: Thank you, Madam Chair.  
21 And I am going to thank my colleagues, Commissioners  
22 O'Malley and De La Cruz, for reaching out to Mark  
23 Sanchez. And their membership on the water utility  
24 board, no doubt, helped in that regard. And I thank  
25 them for their efforts in making sure that the

1 residents of Carnuel, the 800 folks that this project  
2 will eventually serve will receive clean drinking  
3 water. And so, again, personal thanks on behalf of  
4 those residents and myself.

5 CHAIRWOMAN HART STEBBINS: All right. So we are  
6 now on Item 11B, which I asked to be pulled off the  
7 consent agenda. We have a -- Commissioner Johnson,  
8 you moved approval?

9 COMMISSIONER JOHNSON: To defer.

10 CHAIRWOMAN HART STEBBINS: To defer?

11 COMMISSIONER JOHNSON: I moved deferral.

12 CHAIRWOMAN HART STEBBINS: Deferral.

13 Commissioner De La Cruz seconded that. All in favor,  
14 of deferring Item 11A indefinitely, all in favor, say  
15 aye.

16 ALL MEMBERS: Aye.

17 CHAIRWOMAN HART STEBBINS: Opposed?

18 That motion passes unanimously.

19 (5-0 vote. Agenda Item 11A deferred.)

20 CHAIRWOMAN HART STEBBINS: All right. We are  
21 now on Item 11B, which is amendment of project  
22 document for the Valencia Retirement Apartments  
23 project.

24 Madam Clerk, may I have an administrative  
25 resolution number, please.

1 MS. OLIVER: AR 2013-65.

2 CHAIRWOMAN HART STEBBINS: Ms. Armijo, I just  
3 want to say, I asked this to be pulled off the consent  
4 agenda because these apartments are located in  
5 District 3, and I have -- I guess when this came up,  
6 when this was published, I got a complaint about the  
7 condition of that property. And I know you went out  
8 there, you went out to see it, and, you know, I'd like  
9 you to sort of describe what you found.

10 But my question is, what is our obligation  
11 to make sure that these projects in which we have a  
12 role are providing safe housing?

13 MS. ARMIJO: So to your first part, Madam  
14 Chairwoman, a complaint was received through your  
15 office which was passed on to me about the condition  
16 of the property. So this was yesterday, so yesterday,  
17 after work, I drove by the property. On the outside,  
18 it does look -- the landscaping is well maintained and  
19 the exterior of the building is well maintained.

20 Due to recent rains, there was some damage  
21 to the roof and ceiling tiles and carpet. In talking  
22 to the property manager, she said that they were  
23 putting on a new roof in the next two weeks. It just  
24 a matter of scheduling the roofer -- it's a good year  
25 to be in the roofing business in Albuquerque -- and

1 that they are replacing the carpet and the ceiling  
2 tiles.

3 To answer the second part of your -- so in  
4 addition, the building has been in existence for 12  
5 years. And in 12 years, the county has not received  
6 any complaints in regard to the condition of the  
7 building. The recent weather has escalated some of  
8 the deterioration. But also in response to the aging  
9 of the building, the property management has hired an  
10 additional maintenance person to assist with what are  
11 concerns or needs of the residents.

12 On the second issue, as far as involvement  
13 of the safety, because that is a housing project, they  
14 do have certain criteria they have to maintain. And  
15 if I misspeak, I hope that bond counsel jumps up  
16 behind me. But they have criteria and standards of  
17 living that they must maintain in order to maintain  
18 the -- to have received the tax credits and exemptions  
19 that they have received. And so they are monitored.

20 My staff does not monitor them, but we  
21 also -- we have to be very careful in what we do as  
22 Bernalillo County in that we don't want to get into  
23 the issues of management because then it becomes -- it  
24 can create a liability.

25 So what I would recommend is that prior to

1 this transaction closing that -- which is tentatively  
2 scheduled for the first week in November, is that  
3 we -- I can -- I'm happy to inspect the building  
4 myself and report back to the board that any issues  
5 that were brought back to your office or the county  
6 were dressed prior to -- for a resolution prior to  
7 closing.

8 CHAIRWOMAN HART STEBBINS: So you're saying that  
9 we don't really have a role in the maintenance or in  
10 making sure this is safe, or we don't really want  
11 that?

12 MS. ARMIJO: We don't have a role in the  
13 maintenance, the day-to-day maintenance. We do in the  
14 housing requirements. We do have to make sure they  
15 maintain a standard of living. Now, if a pipe breaks,  
16 roof starts leaking, they're not calling you or  
17 calling me for the day-to-day, because then at that  
18 point we get into the question of who's the liable  
19 party if it doesn't get fixed. So we have to tread a  
20 fine line in what we do.

21 But what we can do, because of the position  
22 that we're in, we can put -- and correct me if I'm  
23 wrong, bond counsel, we can put that -- we can put  
24 that a building inspection will be completed and that  
25 maintenance or standard of living has been met to the

1 resident standard.

2 But they have been -- and the property  
3 manager was very open to tell me what her maintenance  
4 plans were, how much maintenance was needed to be  
5 done. And she did not withhold or hide anything and  
6 showed me exactly where there were any issues. And,  
7 again, I would recommend that before that transaction  
8 closes that myself, personally, will go and inspect  
9 the building.

10 CHAIRWOMAN HART STEBBINS: So that answers my  
11 question, there is a requirement that they maintain a  
12 certain standard in those apartment?

13 MS. ARMIJO: Yes, Madam Chair, but we don't, the  
14 staff, does not ensure that.

15 CHAIRWOMAN HART STEBBINS: And I certainly  
16 recognize that one complaint does not mean that  
17 there's a problem, and I appreciate your going out to  
18 check it out. And I think that's good idea, if we can  
19 require before closing that there be a resolution to  
20 the roofing carpet leak problem.

21 MS. ARMIJO: Madam Chair, absolutely.

22 CHAIRWOMAN HART STEBBINS: Thank you very much.  
23 Commissioner O'Malley.

24 COMMISSIONER O'MALLEY: Thank you, Madam Chair.  
25 And just -- so people know, we are working

1 on some policies and criteria concerning multi-family  
2 housing requests for -- to analyze the applications  
3 for revenue bond financing. Because I think we need  
4 do have higher standards in -- if we're going to  
5 essentially subsidize affordable housing. And I know  
6 that there's a lot of apartment complexes out there  
7 that their market is the lower income families, and  
8 they're -- we shouldn't be in competition with them in  
9 terms of providing abatement if we're not looking at,  
10 I would say, a higher standard in terms of building  
11 requirements, et cetera. So that's something we've  
12 been working on. Thank you.

13 MS. ARMIJO: Thank you.

14 CHAIRWOMAN HART STEBBINS: I move approval of  
15 Item --

16 COMMISSIONER DE LA CRUZ: Second.

17 CHAIRWOMAN HART STEBBINS: It's AR 2013-65. We  
18 have a motion, and a second from Commissioner De La  
19 Cruz.

20 (5-0 vote. Agenda Item 11B approved.)

21 (A copy of Administrative Resolution

22 AR 2013-65 is attached hereto and

23 numbered as Pages 71 through 75.)  
24  
25



1 CHAIRWOMAN HART STEBBINS: We are now on Item  
2 14A. I know we've had a couple of discussions about  
3 our procedure for nominating someone for the vacancy  
4 for House of Representatives District 5. It would be  
5 great to have an update from the county manager.

6 MR. ZDUNEK: Madam Chair, very quickly, we have  
7 had no additional. We still have Ann Cordova, Vicky  
8 Perea, Debbie Ortiz, and we did -- I'm sorry. We did  
9 get another, Ann Jenkins out of Santa Fe.

10 And just so the commission knows, we have --  
11 Torrance County has recommended to the governor Leroy  
12 Candelaria. And Valencia County had recommended Vicky  
13 Perea. And we are still waiting to hear from Santa Fe  
14 County. And the latest update we have is they may  
15 consider that, I believe, tomorrow.

16 CHAIRWOMAN HART STEBBINS: All right.  
17 Commissioners, any thoughts about how you want to  
18 handle this? I would propose that we schedule a vote  
19 at our next meeting, which would be October 22nd.  
20 That gives us an opportunity to interview the  
21 candidates if we choose. Is anyone interested in  
22 setting a new deadline in case there are any  
23 additional applicants?

24 Commissioner Johnson.

25 COMMISSIONER JOHNSON: Madam Chair, I support

1 your idea of moving this to the 22nd and making a  
2 final decision at that point. We really had one  
3 precinct in Bernalillo County. We're barely wrapped  
4 into this, so any I think it's appropriate to be  
5 expedient at that point, and I believe it should be up  
6 to us at this point. If there's somebody else that  
7 comes into the mix, we don't any real structure for  
8 this. They know to be able to get this to us, and  
9 hopefully those applicants will do so between now and  
10 two weeks. It's kind of hard to enforce a hard  
11 deadline anyway. So I think we should move forward  
12 expeditiously. Thank you.

13 CHAIRWOMAN HART STEBBINS: Commissioner Talbert,  
14 maybe you're the only one here who has not been  
15 through this process -- no, you did when we did the  
16 county assessor. So I think everyone's familiar with  
17 the process and we'll plan vote at our next meeting,  
18 which will be October 22nd, 2013. Our administrative  
19 meeting will be at 5:00 p.m. here in the Vincent E.  
20 Griego Chambers. That will be preceded by our zoning  
21 Tuesday, October 22nd, 2013, at 3:00 p.m. here in the  
22 Vincent E. Griego Chambers. And seeing no further  
23 business, this meeting is adjourned.

24 (Proceedings adjourned at 7:29 p.m.)  
25

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO  
3  
4

5 REPORTER'S CERTIFICATE

6 I, Kelli Gallegos, New Mexico Provisional  
7 Reporter, No. P-409, working under the direct  
8 supervision of Paul Baca, NM CCR #112, do hereby  
9 certify that I reported the foregoing proceedings in  
10 stenographic shorthand and the pages are a true and  
11 correct transcript of those proceedings and were  
12 reduced to printed form under my direct supervision.

13 I FURTHER CERTIFY that I am neither  
14 employed by nor related to any of the parties or  
15 attorneys in this matter that I have no interest in  
16 the final disposition of this matter.  
17  
18

19 \_\_\_\_\_  
KELLI GALLEGOS  
20 Provisional License P-409  
License Expires: 9/7/14  
21  
22  
23  
24  
25

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF BERNALILLO  
ADMINISTRATIVE MEETING  
Tuesday, October 22, 2013, 7:43 p.m.

VINCENT E. GRIEGO CHAMBERS  
ALBUQUERQUE-BERNALILLO COUNTY GOVERNMENT CENTER  
ALBUQUERQUE, NEW MEXICO 87102

Before: Kelli A. Gallegos  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 4th Street, NW, Suite 105  
Albuquerque, New Mexico 87102

A P P E A R A N C E S

MAGGIE HART STEBBINS, Chair  
DEBBIE O'MALLEY, Vice Chair  
LONNIE C. TALBERT, Member  
ART DE LA CRUZ, Member  
WAYNE A. JOHNSON, Member  
TOM ZDUNEK, County Manager  
MAGGIE TOULOUSE OLIVER, County Clerk  
RANDY AUTIO, County Attorney  
PETER AUH, Assistant County Attorney  
VINCE MURPHY, Deputy County Manager, Community Svcs.  
TERESA BYRD, Deputy County Manager, Finance & Budget  
TOM SWISSTACK, Deputy County Manager, Public Safety  
JARVIS MIDDLETON, Deputy County Manager, Public Works

1 CHAIRWOMAN HART STEBBINS: Good afternoon. The  
2 administrative meeting of the Bernalillo County Board  
3 of Commissioners for Tuesday, October 22nd, 2013, is  
4 hereby called to order. We're going have a silent  
5 invocation, followed by the Pledge of Allegiance, led  
6 by Steve McKernan.

7 (Whereupon, there was a moment of silence.)

8 (Whereupon, the Pledge of Allegiance was led  
9 by Mr. Steve McKernan.)

10 CHAIRWOMAN HART STEBBINS: Thank you.

11 Mr. County Manager, are there any additions  
12 or changes to tonight's agenda?

13 MR. ZDUNEK: Madam Chair, I have one and it will  
14 be a deferral of Item 10B.

15 CHAIRWOMAN HART STEBBINS: Randy, do we need to  
16 vote to defer that? We do, don't we?

17 All right. I move we defer Item 10B to our  
18 November 12th meeting.

19 COMMISSIONER JOHNSON: Second.

20 CHAIRWOMAN HART STEBBINS: We have a second from  
21 Commissioner Johnson all in favor, say aye.

22 ALL MEMBERS: Aye.

23 CHAIRWOMAN HART STEBBINS: Opposed?

24 Motion passes unanimously.

25 (5-0 vote. Motion approved.)

1 CHAIRWOMAN HART STEBBINS: We are now on  
2 proclamations. Commissioner O'Malley.

3 COMMISSIONER O'MALLEY: Thank you, Madam Chair,  
4 for the honor of reading the proclamation that's in  
5 commemoration of Veterans Day.

6 Bernalillo County Board of County  
7 Commissioners -- and I'm not so sure if there's anyone  
8 here to receive this proclamation. This is sponsored  
9 by all of the commissioners.

10 Whereas, the willingness of America's  
11 veterans to sacrifice for our country has earned them  
12 our lasting gratitude. And on this, our nation's 59th  
13 annual Veterans Day of Service we celebrate and honor  
14 our veterans who fought to protect the democratic  
15 ideals that are the foundation of our country; and

16 Whereas, when the armistice ending World War  
17 I was signed on November 11, 1918, more than 4 million  
18 Americans put down their weapons and turned to  
19 strengthening our nations. The end of that first  
20 global conflict was commemorated as Armistice Day then  
21 in 1954. Congress renamed the day as Veterans Day to  
22 recognize all those who have served in our forces; and

23 Whereas, across New Mexico, there have been  
24 thousands of veterans who have died for our country  
25 while serving in military conflicts, including World

1 Wars I and II, Korea, Vietnam, Iraq, Afghanistan, and  
2 peacekeepers in countless other countries. They  
3 fought for the security of our country, for peace in  
4 the world. New Mexico veterans have bravely protected  
5 the innocent and liberated the oppressed across the  
6 globe; and

7           Whereas, even after our veterans take off  
8 the uniform, they never stop serving. Many apply the  
9 skills and experience they develop during active duty  
10 to a life of service at home; take on roles in their  
11 community as doctor, police officers, engineers,  
12 volunteers, mothers and fathers. As a grateful nation  
13 and country, it is our duty to make that transition  
14 possible to ensure our returning heros can share in  
15 the opportunities that they sacrificed so much to  
16 defend; and

17           Whereas, we are grateful to the thousands  
18 of American men and women serving in our nation's  
19 military today, both at home and abroad, risking their  
20 lives and making tremendous sacrifices to defend our  
21 nation against threats of all kinds; and

22           Whereas, the families of those men and women  
23 also make tremendous sacrifices and deserve our  
24 gratitude and support;

25           Now, therefore, be it resolved, Bernalillo

1 County Board or County Commissioners does hereby urge  
2 all citizens to solemnly give thanks for the  
3 sacrifices of all the men and women who are currently  
4 serving in our armed forces and those who have fought  
5 so valiantly in our conflicts in the seas and the air  
6 and on foreign soil.

7 Done this 22nd day of October 2013,  
8 Bernalillo County, State of New Mexico Board of  
9 Commissioners, Maggie Hart Stebbins, Debbie O'Malley,  
10 Art De La Cruz, Lonnie C. Talbert, and Wayne A.  
11 Johnson.

12 CHAIRWOMAN HART STEBBINS: Thank you,  
13 Commissioner O'Malley. I believe that Ken O'Keefe was  
14 planning to be here. I think because of the late  
15 hour, he may have already left. But I will make sure  
16 that he gets this. He plans all the Veterans Day  
17 memorial events at Veterans Memorial Park here in  
18 Albuquerque. So we'll make sure that he gets that in  
19 time for the events this upcoming Memorial Day [sic].

20 We have no certificates or awards. We are  
21 now on public comment. We have one person signed up  
22 the public comment, Carlos Proffit.

23 Mr. Proffit, you have two minutes. A bell  
24 will ring when 90 seconds has elapsed, giving you  
25 30 seconds to wrap up.



1  
2 MR. PROFFIT: Madam Chair, Commissioners, good  
3 evening. September 16th, Lieutenant Rob Lind of the  
4 SO told me that the emergency services were going to  
5 lat long, abandoning the iron compasses navigating  
6 system on that day. He had told me I guess in August  
7 or July. And Karen Ziegler of Bernalillo County  
8 Communications, the director, told me it would be the  
9 17th of September. Well, nothing happened.

10 Then Lee Thompson, assistant director of  
11 communication told me there would be a three-week  
12 training period or a testing period with the  
13 contractor. That three weeks went by. Nothing  
14 happened. No public notice, no community outreach, no  
15 training.

16 Sunday morning a week ago, o-dark-thirty,  
17 boom, boom, boom, get up, can't any muzzle flashes,  
18 not seeing any lights, call the sheriff's. An hour  
19 later I call them again. They say they've been there.  
20 I say, "No, you haven't."

21 So I start walking over there to arroyo  
22 where they're executing barn people, talking to this  
23 Sergeant McCoy of the sheriff's office and the  
24 dispatchers. The dispatchers say they're no longer  
25 using the iron compasses, so I'm going to go over

1     there to the arroyo, get the lat long. The phone  
2     won't give up the lat long. Dispatchers tell me to  
3     drive six miles to Coors and Pajarito and get the  
4     deputies.

5                 So I load up, start that way, the deputies  
6     meet me at Section Line 1930 and Copperhead Road. We  
7     go over to the arroyo. Their phone, Verizon served  
8     phone, can't get the lat long. They sent nothing  
9     about their MDTs, mobile data terminals. Anyway, so I  
10    don't know what's going on. I don't think they know  
11    what's going on. And there we are.

12                CHAIRWOMAN HART STEBBINS: Commissioner De La  
13    Cruz.

14                COMMISSIONER DE LA CRUZ: Thank you, Madam  
15    Chair.

16                Mr. Proffitt lives in Pajarito Mesa, and  
17    there are some challenges.

18                But we need to find out what's going on,  
19    because it's certainly a concern. So I would ask the  
20    county manager if he would assign someone to find out  
21    what's going on in terms of location for Pajarito  
22    Mesa, whether it's fire or police.

23                Thank you, Madam Chair.

24                And if we would let Mr. Proffitt and all the  
25    residents know.

1 MR. PROFFIT: Thank you.

2 CHAIRWOMAN HART STEBBINS: Thank you,  
3 Mr. Proffit.

4 We are now on approval of the consent  
5 agenda. Madam Clerk, may I have administrative  
6 resolution numbers for A and B.

7 MR. OLGUIN: AR 2013-66 and 67.

8 CHAIRWOMAN HART STEBBINS: I move we approve the  
9 consent agenda.

10 COMMISSIONER TALBERT: Second.

11 CHAIRWOMAN HART STEBBINS: We have a second from  
12 Commissioner Talbert. All in favor, say aye.

13 ALL MEMBERS: Aye.

14 CHAIRWOMAN HART STEBBINS: Opposed?

15 That motion passes unanimously.

16 (5-0 vote. Agenda Item 8 approved.)

17 (Copies of Administrative Resolution  
18 AR 2013-66 and Administrative Resolution  
19 AR 2013-67 are attached hereto and  
20 numbered as Pages 9 through 13.)  
21  
22  
23  
24  
25

1 MR. AUTIO: Madam Chair, minutes were there to  
2 be approved, too.

3 CHAIRWOMAN HART STEBBINS: I don't believe we  
4 have the minutes. There was a technical error, so we  
5 will have those next month. Thank you, though, for  
6 the reminder.

7 We are now on adoption of amendment to  
8 county code, Item 9A. Madam Clerk, may I have an  
9 ordinance number please.

10 MS. OLIVER: 2013-20.

11 CHAIRWOMAN HART STEBBINS: Thank you.

12 Ms. Chavez.

13 MS. CHAVEZ: Good evening, Commissioners. This  
14 request is for a motion to adopt on ordinance  
15 amendment. The proposed amendments are intended to  
16 add new language and to provide a use category that's  
17 currently not in our zoning ordinance. In addition,  
18 the origin of these amendments came from the last  
19 county planning commission hearing, which we discussed  
20 ways to modify the ordinance to create a better  
21 process and one that also provides common sense.

22 The first amendment would occur currently in  
23 the A-1 and R-1 zones, which are residential zones.  
24 An individual or property owner or a builder can apply  
25 for a conditional use permit to allow for a mobile

1 home for a temporary use during construction. This  
2 conditional use request would be allowed for a  
3 24-month period by the zoning administrator.

4 This particular section of the code at times  
5 can present a problem for us in that when someone is  
6 building a house, the house is completed, then the  
7 mobile home is in place. They find it difficult -- or  
8 an opportunity to generate additional income. Then it  
9 becomes an enforcement issue for our department.

10 So based on this scenario, we are proposing  
11 a simple fix to our zoning ordinance by adding the  
12 term "RV," recreational vehicle. This means that one  
13 could request a mobile home or a RV for temporary use  
14 during construction. So this would allow that RV now  
15 would create an opportunity for temporary dwelling,  
16 and when the construction of the residential dwelling  
17 is completed and the certificate of occupancy is  
18 issued, it's easy to close up the RV and park it in  
19 the garage or sell it.

20 The second amendment that we're requesting  
21 a particular type of RV, which is called a park model.  
22 This is a park model. Park models are classified as  
23 an RV. It doesn't look like an RV. It's actually  
24 pretty nice. It's much like miniature manufactured  
25 home or log cabin. And you find these types of RVs in

1 Colorado, Arizona, Las Vegas -- or Nevada. So this  
2 amendment would allow these park models as a  
3 conditional use in an A-2 zone. So this means mainly  
4 in the East Mountains. I think when we looked at it,  
5 it really does fit.

6 So both of these amendments that we're  
7 bringing to you tonight would go through the  
8 conditional use process, which means the applicant  
9 must apply and submit an application to the zoning  
10 administrator, then we give notice to the public,  
11 there is a hearing and conditions are placed on these  
12 two types of requests.

13 So with this, I'll stand for any questions.

14 CHAIRWOMAN HART STEBBINS: Commissioner  
15 O'Malley.

16 COMMISSIONER O'MALLEY: Thank you, Madam Chair.  
17 And I can see how those would fit in the East  
18 Mountains. Is there a model for the Valley, just out  
19 of curiosity, because I don't think that fits in the  
20 Valley.

21 CHAIRWOMAN HART STEBBINS: A fake adobe one.

22 COMMISSIONER O'MALLEY: A fake adobe one, that's  
23 what he says.

24 CHAIRWOMAN HART STEBBINS: Commissioner Johnson.

25 COMMISSIONER JOHNSON: Thank you, Madam Chair.

1 I move approval.

2 COMMISSIONER DE LA CRUZ: Second.

3 CHAIRWOMAN HART STEBBINS: We have a motion, and  
4 a second from Commissioner De La Cruz.

5 I just want to point out, ordinarily we  
6 would conduct a public hearing on this. No one has  
7 signed up to speak so I will consider that as having  
8 been done.

9 All in favor of the motion to adopt  
10 ordinance 2013-20, say aye.

11 ALL MEMBERS: Aye.

12 CHAIRWOMAN HART STEBBINS: Opposed?

13 That motion passes unanimously.

14 (5-0 vote. Agenda Item 9 approved.)

15 CHAIRWOMAN HART STEBBINS: We are now on  
16 adoption of resolution, 10A. Madam Clerk, may I have  
17 an administration resolution number, please.

18 MR. OLGUIN: 2013-68.

19 CHAIRWOMAN HART STEBBINS: Thank you.

20 Mr. Zdunek.

21 MR. ZDUNEK: Madam Chair, what you have before  
22 you is a resolution supporting New Mexico Association  
23 of Counties legislative priorities. I had the  
24 pleasure of having Commissioner O'Malley at one of the  
25 meetings, and our county clerk, Maggie

1 Toulouse Oliver, is very involved in the priorities.  
2 We've reviewed those and we support it as it stands.

3 CHAIRWOMAN HART STEBBINS: Commissioner De La  
4 Cruz.

5 COMMISSIONER DE LA CRUZ: Thank you, Madam  
6 Chair, I support all of them but one, which is the  
7 first one. So I would like to move approval with the  
8 exception of that one, which deals with tax lightning.

9 CHAIRWOMAN HART STEBBINS: Is that the first --  
10 the property tax equity one?

11 COMMISSIONER DE LA CRUZ: I believe so.

12 CHAIRWOMAN HART STEBBINS: On Page 1, that's  
13 Lines 39 and 40?

14 COMMISSIONER DE LA CRUZ: That's correct. Madam  
15 Chair, that died in committee I believe last year.  
16 It's very difficult to try to pass because of the  
17 difference throughout the various communities.

18 CHAIRWOMAN HART STEBBINS: We need a motion and  
19 second to approve the bill as a whole, and then we'll  
20 entertain the motion to amend.

21 So I move we approve 2013-68.

22 COMMISSIONER DE LA CRUZ: Second.

23 CHAIRWOMAN HART STEBBINS: Second from  
24 Commissioner De La Cruz.

25 And Commissioner De La Cruz has proposed an



1 amendment to strike Lines 39 and 40 on Page 1. I will  
2 second that motion. Any discussion, questions?

3 All right we have a motion and a second to  
4 amend this by striking Lines 39 and 40.

5 All in favor, say aye.

6 ALL MEMBERS: Aye.

7 CHAIRWOMAN HART STEBBINS: Opposed?

8 That motion passes unanimously.

9 (5-0 vote. Agenda Item 10A approved.)

10 CHAIRWOMAN HART STEBBINS: Any other questions,  
11 comments, amendments?

12 Seeing none, I move approval of -- we have a  
13 motion and second to approve the bill as amended. All  
14 in favor, say aye.

15 ALL MEMBERS: Aye.

16 CHAIRWOMAN HART STEBBINS: Opposed?

17 Motion passes unanimously.

18 (5-0 vote. Agenda Item 10A approved,  
19 as amended.)

20 (A copy of Administrative Resolution  
21 AR 2013-68 is attached hereto and  
22 numbered as Pages 20 and 21.)  
23  
24  
25

1 CHAIRWOMAN HART STEBBINS: We have deferred Item  
2 10B. We are now on Item 10C. Madam Clerk, may I have  
3 an administrative resolution number.

4 MR. OLGUIN: 2013-69.

5 CHAIRWOMAN HART STEBBINS: Thank you.

6 Mr. Schroeder.

7 MR. SCHROEDER: Good evening, Commissioners.  
8 This item on your agenda is an administrative  
9 resolution to address the fee schedule for permit and  
10 inspection fees for the food establishments in the  
11 unincorporated area of Bernalillo County.

12 The last time that fees were adjusted in  
13 Bernalillo County was in 2005, and this table that I  
14 have here describes the new fee structures that we're  
15 proposing. And the fee structure that we are  
16 proposing actually would be introduced in two steps.  
17 So the first step would occur upon approval of this  
18 resolution and carry us through the calendar year of  
19 2014. And the next step would occur in January of  
20 2015. So it would take from now until January 2015 to  
21 actually realize the entire adjustment of the fees.

22 And with that I'll stand for any questions.

23 CHAIRWOMAN HART STEBBINS: Commissioner Talbert.

24 COMMISSIONER TALBERT: Thank you, Madam Chair.

25 Mr. Schroeder, when you and I met and we

1 talked about this, any new business coming online  
2 would start with the immediate fees that we would  
3 implement? It would be basically phasing in for any  
4 established establishments, correct?

5 MR. SCHROEDER: Yes. That's a good reminder.  
6 Thank you for that. That is correct, sir.

7 COMMISSIONER TALBERT: Thank you.

8 CHAIRWOMAN HART STEBBINS: Commissioner De La  
9 Cruz.

10 COMMISSIONER DE LA CRUZ: Thank you, Madam  
11 Chair. I support these amendments. I believe that we  
12 need to be online with other municipalities in the  
13 state as well. But I also want to commend  
14 Commissioner Talbert for his work on this as well.  
15 Thank you, Madam Chair.

16 CHAIRWOMAN HART STEBBINS: All right. Any other  
17 questions, comments.

18 I move we repeal AR 25-2010.

19 COMMISSIONER TALBERT: Second.

20 CHAIRWOMAN HART STEBBINS: We have a second from  
21 Commissioner Talbert.

22 All in favor, say aye.

23 ALL MEMBERS: Aye.

24 CHAIRWOMAN HART STEBBINS: Opposed?

25 That motion passes unanimously.

1 (5-0 vote. Agenda Item 10C.1 approved.)

2 CHAIRWOMAN HART STEBBINS: I move we approve  
3 Administrative Resolution AR 2013-69, approving the  
4 new fee schedule.

5 COMMISSIONER TALBERT: Second.

6 CHAIRWOMAN HART STEBBINS: Second from  
7 Commissioner Talbert.

8 All in favor, say aye.

9 ALL MEMBERS: Aye.

10 CHAIRWOMAN HART STEBBINS: That motion passes  
11 unanimously.

12 Thank you, Mr. Schroeder.

13 MR. SCHROEDER: Thank you.

14 (5-0 vote. Agenda Item 10C.2 approved.)

15

16 (A copy of Administrative Resolution  
17 AR 22013-69 is attached hereto and  
18 numbered as 25 through 28.)

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1 CHAIRWOMAN HART STEBBINS: We are now on  
2 approvals. Item 11A, nomination for filling the  
3 vacancy for House of Representative District 3.

4 Commissioner O'Malley.

5 COMMISSIONER O'MALLEY: Madam Chair, before we  
6 begin that discussion, I do want to recognize  
7 Ms. Vicky Perea, who is sitting here with her son.  
8 Ms. Perea served on the city council, and I think, I  
9 could be wrong, but was the first female president of  
10 the council.

11 MS. PEREA: Yes, ma'am.

12 COMMISSIONER O'MALLEY: I remember that. And in  
13 my experience, I think the term tough but fair applied  
14 to Ms. Perea. And I think that's probably very true.  
15 And I wanted to welcome her tonight.

16 MS. PEREA: Thank you, Commissioner.

17 CHAIRWOMAN HART STEBBINS: Now, we have had a  
18 request -- I think we have two of our candidates here  
19 tonight. Ms. Perea and Mr. McQueen. There's been a  
20 request that each of them be given time to speak, if  
21 you would like.

22 I'd like to welcome each of you, Ms. Perea.  
23 If you would like to just come and make a statement,  
24 you are certainly welcome to. And then followed by  
25 Mr. McQueen. And I also want to welcome you to the

1 chamber. You were a great leader and role model for  
2 many of us women in policy positions, so thank you for  
3 that. And I want to apologize for making you wait so  
4 long. I'm sorry our zoning meeting ran over. But  
5 we're glad you're here.

6 MS. PEREA: Madam Chair, thank you so much.

7 And, Commissioner O'Malley, thank you for  
8 your comments.

9 It's a pleasure and it's an honor for me to  
10 be in front of you. Let me just say I appreciate the  
11 work that you do. I remember many times sitting  
12 there, sometimes till 2 o'clock in the morning,  
13 debating many of the issues. I don't know that you  
14 all have gone that long, but I know how hard you work.  
15 So thank you for the kind comments.

16 Let me just say to you, by way of  
17 introduction, on why I've applied for this position  
18 here in Bernalillo County is because really this has  
19 been home for me as much as Valencia County has been.  
20 I was born and raised in Valencia County, but my  
21 entire professional career has been in Bernalillo  
22 County. So for me it's very important to be in front  
23 of you this evening.

24 I'd like to tell you that the reason I'm  
25 going forth for this position is because I'm ready to

1 go work for the good of the state in Santa Fe. And  
2 specifically for the four counties that I would be  
3 representing should I be selected. They're very  
4 unique and go the spectrum right behind the, mountain  
5 as you all well know, including Valencia County,  
6 Torrance, Bernalillo and then Santa Fe.

7 But I've had the ability to represent a very  
8 diverse district when I was on the city council, and  
9 so you have my resume. I don't want to go into any of  
10 the specifics of the resume. I just want to thank you  
11 for giving me the opportunity to stand before you this  
12 evening. And no apology needed. I stand for  
13 questions, if you have them.

14 CHAIRWOMAN HART STEBBINS: I imagine you do  
15 understand.

16 MS. PEREA: Yes.

17 CHAIRWOMAN HART STEBBINS: Commissioners, any  
18 questions, comments? Thank you very much.

19 Mr. McQueen, you're welcome to give a  
20 statement.

21 MR. MCQUEEN: Madam Chair, Members of the  
22 Commission, thank you for this opportunity to address  
23 you. I know it's been a long day. I will be brief.

24 My name is Matthew McQueen. Live in the  
25 Village of Galisteo, which is in Santa Fe,

1 New Mexico -- excuse me, Santa Fe County. I'm a  
2 lawyer by profession. I also have a MBA from the  
3 University of New Mexico, and a master's in natural  
4 resources policy.

5 I'm here today because of a belief in public  
6 service. I submitted a copy of what's essentially my  
7 resume. I think you can see that from the various  
8 boards and committees that I've served on. I also  
9 have a passion for doing the right thing for  
10 New Mexico and New Mexicans.

11 HD 50 is big, sprawling district, which, as  
12 you know, encompasses parts of four different  
13 counties. It will be a challenge to represent the  
14 residents of all the different portions of this  
15 district, and I understand that I will have to work  
16 extra hard to represent the citizens of Torrance,  
17 Valencia and Bernalillo Counties. I pledge to you I  
18 will not forget the residents of Bernalillo County,  
19 even though it's a relatively small portion of the  
20 district.

21 Historically, this has been a democratic  
22 seat, and I bring that up not to assert any sort of  
23 claim or ownership on behalf of the Democratic party,  
24 but to recognize the will of the voters of this  
25 district. The late Stephen Easley, who held the seat



1 until his untimely death, was a Democrat, as was his  
2 predecessor, Rhonda King. Because of that, I believe  
3 it's appropriate for this commission to nominate a  
4 Democrat for the governor's consideration. And with  
5 that in mind, I very respectfully ask for your  
6 support.

7 CHAIRWOMAN HART STEBBINS: Thank you.

8 Commissioners, any questions?

9 All right. Seeing none, our process in  
10 situations like this has always been that any  
11 commissioners is welcome to nominate any one of the  
12 candidates for our consideration. I will open the  
13 floor for nominations, and then once we have all --  
14 nominations have been named, all nominees have been  
15 named, we will vote on them in the order in which  
16 those nominations were made.

17 Mr. Autio, am I forgetting anything?

18 Some of us have been through this a few  
19 times.

20 So I will open the floor for nominations.  
21 Are there any nominations to fill the vacancy for  
22 House of Representatives District 50?

23 COMMISSIONER JOHNSON: Madam Chair.

24 CHAIRWOMAN HART STEBBINS: Commissioner Johnson.

25 COMMISSIONER JOHNSON: Madam Chair, I would like

1 to nominate Ms. Vicky Perea to fill the District 50  
2 seat.

3 COMMISSIONER TALBERT: Second.

4 CHAIRWOMAN HART STEBBINS: We have a motion, and  
5 actually a second is not required in these  
6 circumstance. But thank you, Commissioner Talbert.

7 Are there any other nominations.  
8 Commissioner O'Malley.

9 COMMISSIONER O'MALLEY: Madam Chair, I would  
10 like to nominate Anne Jenkins for this seat.

11 CHAIRWOMAN HART STEBBINS: All right. We have  
12 two nominations, Vicky Perea and Ann Jenkins.

13 Are there any other nominations? Are there  
14 any other nominations?

15 Seeing none, we have two candidates who have  
16 been nominated. We will vote in the order in which  
17 they were named, starting with Vicky Perea.

18 What's the appropriate motion, Randy?

19 MR. AUTIO: I think it's just simply a vote of  
20 all in favor of nominating Ms. Perea.

21 CHAIRWOMAN HART STEBBINS: All right. All in  
22 favor of nominating Ms. Vicky Perea for the vacancy  
23 for House of Representatives District 50, say aye.

24 TWO MEMBERS: Aye.

25 CHAIRWOMAN HART STEBBINS: Opposed?

1 THREE MEMBERS: No.

2 CHAIRWOMAN HART STEBBINS: That motion fails on  
3 a 2-to-3 vote.

4 (2-3 vote. Motion failed, with  
5 Commissioners Hart Stebbins,  
6 De La Cruz and O'Malley voting no.)

7 CHAIRWOMAN HART STEBBINS: We will now consider  
8 the nomination of Ms. Ann Jenkins. All in favor of  
9 nominating Ann Jenkins to fill the vacancy for House  
10 Representative District 50, say aye.

11 THREE MEMBERS: Aye.

12 CHAIRWOMAN HART STEBBINS: Those opposed?

13 TWO MEMBERS: No.

14 CHAIRWOMAN HART STEBBINS: That motion passes on  
15 a 3-to-2 vote.

16 So, Mr. County Manager, if you would please  
17 send a letter to the governor letting them know that  
18 the Bernalillo County Commission has nominated Ann  
19 Jenkins to fill the vacancy for House of  
20 Representatives District 50.

21 (3-2 vote. Motion approved, with  
22 Commissioners Johnson and Talbert  
23 voting no.)

24 CHAIRWOMAN HART STEBBINS: We are now on Item  
25 12A. I move to reappoint Sarah Hartford to the arts

1 board, representing Commission District 3. Do we have  
2 a second.

3 COMMISSIONER O'MALLEY: Second.

4 CHAIRWOMAN HART STEBBINS: Second from  
5 Commissioner O'Malley. All in favor, say aye.

6 ALL MEMBERS: Aye.

7 CHAIRWOMAN HART STEBBINS: Opposed?

8 That motion passes unanimously.

9 (5-0 vote. Agenda Item 13 approved.)

10 CHAIRWOMAN HART STEBBINS: We are now on three  
11 discussion items.

12 Commissioner Johnson has asked to be  
13 excused. He has important family members in town.

14 So you shall be excused.

15 COMMISSIONER JOHNSON: Thank you, Madam Chair.

16 CHAIRWOMAN HART STEBBINS: We're going to start  
17 with Item 14A, presentation and discussion of our  
18 priorities for the Fifty-First Legislature, second  
19 session. Mr. County Manager.

20 MR. ZDUNEK: Madam Chair, what you have is  
21 Mr. Shoats is here with us, pleasantly, and he will  
22 give additional information --

23 MR. WEAKS: Weaks.

24 MR. ZDUNEK: Oh, yeah. Look at the clock.

25 At any rate, if look at the priorities,

1 they've very similar, as in previous years, with only  
2 two additions, and similar capital projects.

3 Mr. Weaks.

4 MR. WEAKS: Madam Chair and Members, as the  
5 county manager mentioned, this is a draft discussion  
6 resolution. And to remind the commission, this is a  
7 short session, limited to financial issues, budget,  
8 revenue. Anything that is on this proposed resolution  
9 that is of a substantive nature is going to have to  
10 get a message from the governor.

11 So I suppose that when we go through the  
12 meetings that we're scheduling now with each of you  
13 and the legislative delegates in your districts that  
14 we may pare this down quite a bit, because I don't  
15 think the governor is going to be real receptive to  
16 some of the substantive things in a short 30-day  
17 session that we may want to look at.

18 Not to say that we won't continue to discuss  
19 them, not to say that they're not being considered by  
20 interim committees, but a lot of this stuff probably  
21 won't make it on the final resolution. We'd like to  
22 encourage you to think about items that you may not  
23 have had a chance to include on this of a substantive  
24 nature. We will be scheduling a meeting with the  
25 governor and her staff to ask for messages on things

1 that may need to have those messages in order to be  
2 germane.

3 We'll say one of the things that we're going  
4 to be faced with is a revision to the omnibus tax bill  
5 that was passed last year, House Bill 641. There are  
6 a lot of things in there that are incorrect that need  
7 revision because the bill was passed in a very short  
8 period of time at the end of the session, and there  
9 are some technical issues that have some bearing on  
10 the county's finances. So with that in mind, you'll  
11 have capital outlay, a lot of revenue measures to take  
12 a look at, and hopefully we'll be successful with  
13 whatever we end up coming to a decision on in terms of  
14 pursuing the legislative priorities for the county.  
15 Thank you.

16 CHAIRWOMAN HART STEBBINS: Commissioners, any  
17 questions?

18 Commissioner O'Malley.

19 COMMISSIONER O'MALLEY: Thank you, Madam Chair.

20 Without going into too much detail, and I  
21 think this would be good for our viewers because I  
22 don't think people really understand the difference  
23 between a 30-day session and a 60-day session, and we  
24 assume that we can pretty much talk about anything or  
25 that anything can move forward, so you're saying

1 anything of a financial -- or is germane of a  
2 financial nature are items that can move forward or at  
3 least can be discussed? Otherwise there has to be a  
4 special message from the governor? Do you want to  
5 just go ahead and explain that.

6 MR. WEAKE: Yes. In New Mexico, we have 30-day  
7 sessions, 60-day session. 60-day sessions are of a  
8 general nature; anything can be introduced and  
9 considered. In a 30-day session, it's only limited to  
10 financial matters, budget matters, revenue matters.  
11 And if they're of a substantive nature, you either  
12 have to get a letter from the governor or a message  
13 from the governor in order to be able to pursue that  
14 legislation during a 30-day session, or you have to  
15 get a ruling from rules committee or the committees  
16 committee and the senate that would declare that  
17 particular legislation to be germane to the session.

18 It's kind of a gray area sometimes, but for  
19 the most part, they follow the rule, since it is a  
20 constitutional provision, to keep those 30-day session  
21 pretty tight. So we'll have capital outlay items, any  
22 items of an appropriation nature, any tax items that  
23 will be germane to the 30-day. Otherwise, we've got  
24 to either convince the rules committee that they're  
25 germane, or get a letter from the governor with a

1 message saying that she's going to include those for  
2 consideration in the short session.

3 COMMISSIONER O'MALLEY: Just one final thing.  
4 In terms of capital outlay, you know, we last -- I  
5 think it was the last session we went through, it  
6 seemed like the rules were changing every time. Do we  
7 have any idea of what the rules are this time in terms  
8 of what will likely be funded.

9 MR. WEAKS: First of all, there will probably be  
10 about 325 to \$350 million available in severance tax  
11 bonding for this next session. Traditionally, the  
12 governor takes about a third of that off the top for  
13 statewide projects, and so we're looking at somewhere  
14 between 200 and \$225 million that will be available  
15 for schools, for counties, for municipalities. And  
16 your list here that is on this resolution is a pretty  
17 healthy list. And we'll be asking for those dollars  
18 and trying to convince our legislative delegation to  
19 put those in the omnibus capital outlay bill.

20 Now, there are a lot of changes that are  
21 being proposed to the process. The process is not  
22 very succinct and has gotten out of control in the  
23 past. So there are some constraints that are going to  
24 be placed on some of the requests, especially for like  
25 nonprofits that want to get some state capital outlay



1 to develop their facilities. They're going to have to  
2 be agreed to by the county or by the municipality in  
3 order to actually move forward. Because in the past  
4 we've gotten projects that are partially funded that  
5 just never get done, or we'll have nonprofits that go  
6 directly to legislators and convince them that they  
7 should get certain item and the county or the  
8 municipality has never even been brought into the  
9 loop.

10 So we're trying to close that process down a  
11 little bit and make it a little bit more coordinated.  
12 And state, of course, is working on that as well. As  
13 a matter of fact, we had a long discussion about this  
14 issue in the revenue stabilization committee that's  
15 met today, and the DFA was in there with tax and  
16 revenue, as well as the legislative finance committee.  
17 So I don't think they will be changing the rules too  
18 much, like they did last year, the day before the  
19 session, but there are some changes that are coming  
20 down. And I think the county has been very proactive  
21 in getting ahead of the curve in that regard.

22 COMMISSIONER O'MALLEY: Well, I'm very glad to  
23 here that you had that discussion, because obviously  
24 we've had some problems with that, where an agency  
25 will go to the legislature and we end up being the

1   fiscal sponsor and we don't know that we're the fiscal  
2   sponsor, and sometimes projects are either underfunded  
3   or, as you said, they have issues with anti-donation,  
4   and that puts us in a very tough position.

5               So is the idea to have a process where an  
6   agency will get permission from the county first? Is  
7   that what you are hoping to do?

8               MR. WEAKS: Madam Chair, Commissioner O'Malley,  
9   yes. There are forms that have been adopted by the  
10   DFA that require -- and by the legislature that  
11   require a sign-off by local government, or whoever the  
12   fiscal agent is going to be, municipality, county, any  
13   other public entity, so that there's an awareness on  
14   the part of the local government that they're taking  
15   on the responsibility either as a fiscal agent -- and  
16   more importantly, some of these projects require  
17   operating funds into the future. And I think that's  
18   also something that we're trying to get a handle on.  
19   You don't want to build something and then not have  
20   the money to run it. So those are things that we're  
21   working on. And as I said, the county's been very  
22   proactive in addressing that issue.

23              COMMISSIONER O'MALLEY: Thank you.

24              CHAIRWOMAN HART STEBBINS: On that topic,  
25   actually, Mr. County Manager, Dan, there had been some

1 talk during the last legislative session about the  
2 county sending a letter to all the nonprofits that we  
3 work with, all the different entities that work  
4 with -- all right. That looks like it's gotten --

5 MR. ZDUNEK: Madam Chair, I'm pleased to  
6 announce that on October 7th the letter went out on  
7 the not-for-profits advising them that if they wanted  
8 to have -- in conjunction with what Dan was talking  
9 about that we would at least have awareness. So we're  
10 soliciting them and making sure they understand the  
11 process so we can give them adequate notice on the new  
12 procedures.

13 CHAIRWOMAN HART STEBBINS: My second question  
14 has to do with capital outlay, because I remember at  
15 the very last minute we had to establish our top  
16 priorities. Now I see we have two sets of priorities,  
17 one for community services, one for public works.

18 Dan, are we allowed to divide them that way  
19 now, or do we still have to say these are our top five  
20 priorities?

21 MR. WEAKS: Madam Chair, the state wants to know  
22 what your top priorities are in total, in a  
23 comprehensive way, not split out between different  
24 types of projects. But keep in mind that the  
25 legislature is the one that makes the appropriation.

1 So even though the DFA wants to know what your top  
2 priorities are, I think that might be more in use when  
3 they're considering what to sign and what not to sign  
4 at the end of the session, or in making some kind of  
5 preliminary allocations to make a determination of  
6 whether the governor is going to support those or not.

7 CHAIRWOMAN HART STEBBINS: So the way we have  
8 this outlined, we've got about 14 priorities. Do we  
9 need to amend this, narrow that down, or would you  
10 recommend we submit it the way this is?

11 MR. WEAKS: I guess my recommendation would be  
12 to try and limit the number to five or six top  
13 priorities, and I think we have a lot better chance of  
14 garnering the support of a lot of legislators for  
15 those larger projects than to spread it out to 13, 15  
16 types of projects. It's hard to get enough people  
17 together to form a critical mass of appropriation to  
18 get some of those projects done.

19 For example, last year, we ended up with  
20 projects that were going to be \$3 million and we ended  
21 up with maybe \$100,000 in appropriations. We can't  
22 move forward.

23 CHAIRWOMAN HART STEBBINS: And I have one last  
24 question. Item 7, amending the Tax Administration  
25 Act, would that fall under what's allowed in a 30-day

1 session?

2 MR. WEAKS: Madam Chair, yes.

3 CHAIRWOMAN HART STEBBINS: Okay. Excellent.

4 All right.

5 Commissioner Talbert.

6 COMMISSIONER TALBERT: Thanks, Madam Chair.

7 Mr. Weeks, real quick. What would you say  
8 is the most money the county has received in any  
9 30-day session or 60-day, to your recollection that  
10 you've been working with us? What's the most capital  
11 outlay money we've received, estimate?

12 MR. WEAKS: That's kind of a tough one. I've  
13 been doing this for 20 years. I would say somewhere  
14 in the neighborhood of \$25 million, and that's because  
15 we've gotten some big road projects from time to time  
16 that we've worked on.

17 CHAIRWOMAN HART STEBBINS: So I did some quick  
18 math. We've got about 22, 23 million on their right  
19 now. So in a 30-day session -- and I'm getting to the  
20 point where, you know, putting five on the page of six  
21 makes probably more sense than 14, because if the best  
22 year we've ever had is 25 million with road projects,  
23 we've got a few public works here, I would support we  
24 narrow it down. Because, you know, it's going to make  
25 your job easier in that regard and give us a better

1 opportunity, I think, to get something.

2 MR. WEAKS: Madam Chair and Commissioners, I  
3 think that's a good approach. And as we meet with the  
4 legislative delegation, we'll be able to whittle those  
5 things down, ask those folks what they want to do with  
6 it.

7 COMMISSIONER TALBERT: Thank you.

8 CHAIRWOMAN HART STEBBINS: All right. Thank  
9 you, Dan.

10 We are now on Item 14B, initiative for open  
11 schoolyards in Bernalillo County.

12 MR. SCHROEDER: Good evening, Commissioners.  
13 Thank you. So in August of 2012, the board of  
14 commissioners passed a resolution tasking staff to  
15 basically build the relationships necessary to create  
16 a joint-use resolution with Albuquerque Public Schools  
17 and other participants who would be interested in  
18 ensuring that schoolyards are open for the use of  
19 neighborhoods near those schools after hours. So I've  
20 submitted a report and some other documentation, which  
21 you'll see through the MinuteTraq system, which I  
22 believe will meet the spirit and letter of that  
23 resolution.

24 So over the past year, we have started to  
25 build those relationships. And I'd like just raise

1 some of the points that we've learned in so doing.  
2 You know, one of the major concerns in opening  
3 schoolyards is liability. Okay. And we think there  
4 are a lot of examples of how liability is dealt with,  
5 and typically, it is dealt with in terms of gross  
6 negligence. So we don't think that's going to be a  
7 deal breaker necessarily.

8 And existing -- there are agreements for  
9 joint use of schoolyards already in place with  
10 Bernalillo County Parks and Recreation and schools, so  
11 there are local examples that we can rely upon as we  
12 build the APS districtwide joint resolution.

13 Another concern that we've heard over the  
14 year is that there will be pressure on Bernalillo  
15 County to bring programs to those parks. This  
16 joint-use resolution that we're continuing to build  
17 does not put any program pressure on Bernalillo  
18 County. And we believe that other partners in the  
19 neighborhoods near those schools will be willing to  
20 bring resources to the table when those are necessary.

21 And one of the other major things that I've  
22 learned is that we need -- the funding that we've  
23 received through our Centers For Disease Control grant  
24 is really enabling the building of these relationships  
25 and the creation of the joint-use agreement. And we

1 were recently awarded continuing funding from the  
2 Centers for Disease Control to carry out this  
3 activity, which is really aimed at reducing obesity in  
4 school children and in the neighborhoods around  
5 schoolyards.

6           So one of the other things that I'm  
7 concerned about moving forward is that there are  
8 schools that are already operating as if they are an  
9 open schoolyard, but there's no restrictions on the  
10 use of those, it seems. And what I'm concerned about  
11 is, if we create a districtwide joint use agreement  
12 that some of those schools will see it as creating  
13 rules that may actually make them not want to keep  
14 their schoolyards open. So that's something that we  
15 also have to deal with.

16           So I really think the effort we're going to  
17 focus on moving forward is working with those schools  
18 that really are sort of at the closed end of the  
19 spectrum that really meets their needs. And we've  
20 begun to build relationships with those communities  
21 and with those school administrators at the school  
22 level and at the APS districtwide level.

23           And also I'd just like to call attention to  
24 Lorna Marchand and Angelica Solaris who are two staff  
25 persons who have worked really hard on this this year



1 and I really appreciate the effort that they have put  
2 into it.

3 So with that, I'll stand for any questions.

4 CHAIRWOMAN HART STEBBINS: Commissioner Talbert.

5 COMMISSIONER TALBERT: Thank you, Madam Chair.

6 And thank you, Mr. Schroeder, and staff, as  
7 always. First of all, let me just say I'm totally for  
8 getting kids active, totally for helping reduce  
9 obesity. Very concerned about unsupervised access to  
10 locations whereas we are actually promoting throughout  
11 the county that we've endorsed this kind of situation.  
12 And I know people say, "Oh, I'm not going to sue. Oh,  
13 I'll be okay there." First one gets hurt, they sue,  
14 you know. Sign liability forms, they go out the  
15 window. I mean, I'm just concerned that we're openly  
16 promoting use of properties that aren't ours.

17 I'm totally in support of coordinating with  
18 APS and finding some programs that we can do together.  
19 ABC Schools, totally supportive of that. I just am  
20 concerned that even today, if I take my daughter up to  
21 La Cueva High School and we start shooting baskets  
22 outside and she falls, you know, again, that's in  
23 Bernalillo County and that was an open schoolyard,  
24 what would that mean. Again, I'd say, "I'm not going  
25 to sue," because she'd probably fall because I fall.

1           So, again, I just am concerned about that  
2     liability factor and openly promoting that kind of  
3     open schoolyard; not to mention all of the challenges  
4     with safety that are going on right now. I mean, we  
5     have closed campuses and we still have people walking  
6     in doing very bad things. So these are my concerns.

7           MR. SCHROEDER: May I respond? Thank you. Just  
8     briefly, I really appreciate you mentioning your  
9     concerns about that, and we do share those concerns.  
10    And I think as we move forward developing the  
11    joint-use agreement, as we pilot this in individual  
12    schools that are really more towards the closed end of  
13    the spectrum, I think we can learn from that effort.  
14    And we can also learn from the schools that  
15    essentially already operate as open schoolyards, which  
16    there are many.

17           So we can basically take the lessons learned  
18    from those schoolyards that essentially operate as  
19    open schoolyards and see what they teach to those that  
20    are sort of at the closed end of the spectrum. So I  
21    really appreciate your comments on that. Thank you.

22           CHAIRWOMAN HART STEBBINS: Commissioner  
23    O'Malley.

24           COMMISSIONER O'MALLEY: Thank you, Madam Chair.

25           It's always been a little frustrating

1 because of what people perceive as duplication of  
2 effort. We're building parks, city builds parks,  
3 schools build playgrounds and parks, and we're  
4 basically paying, all of us as citizens are paying  
5 taxes to build all these things. And yet, they seem  
6 to be the exclusive right of the different entities  
7 and so we run into these issues of use.

8           So it's frustrating, and we have a lot of  
9 schools that, you know, have gyms and things like that  
10 and, you know, the community can't even access these  
11 facilities, even though, again, we've all paid for  
12 them.

13           How do you -- so you brought up what you  
14 feel are the constraints or some of the challenges of  
15 putting this together. And what do you see? I mean,  
16 is this a school-by-school effort? APS, of course, is  
17 huge, and they don't always -- you know, to be honest  
18 with you, they can be very closed about what they want  
19 to do and they've got concerns with liability,  
20 et cetera. Or at least that's what they say. So how  
21 do you see this happening?

22           Because we're looking at a resolution, this  
23 would be an agreement with APS. If you wouldn't mind  
24 answering that question.

25           MR. SCHROEDER: Thank you for that question.

1           So moving forward as we -- the funding that  
2 we've got from the Centers for Disease Control allows  
3 us to build the task force that is really going to  
4 craft the language in a joint-use resolution. And so  
5 I see -- you know, we've still got some time to kind  
6 of work through these details with all the parties  
7 concerned.

8           But I think the way the current -- the way  
9 the school system is set up is, really, the principal  
10 at each school really has a lot of influence over what  
11 happens at that schoolyard. So I think, you know,  
12 even if there is a districtwide joint-use agreement,  
13 it is really a guidance document, and the work to get  
14 the schoolyards open still remains essentially one to  
15 one to really get those schoolyards to be open and to  
16 help them understand through this joint-use agreement  
17 process that there is, you know -- you know, that the  
18 issues of liability will be dealt with and all these  
19 other concerns will be dealt with. So, you know, it's  
20 both, and it's a districtwide agreement and it's  
21 relationships on the ground with schools in the  
22 neighborhoods there.

23           COMMISSIONER O'MALLEY: Do you have a timeline  
24 for how you expect this to go? Do you have an  
25 implementation plan here?

1           MR. SCHROEDER: Yes. We have an implementation  
2 plan that's been approved by the Centers for Disease  
3 Control. So by -- you know, we're at the beginning of  
4 a federal fiscal year, so really, by the end of the  
5 current fiscal year, we should have a document in  
6 place that has been reviewed and approved.

7           COMMISSIONER O'MALLEY: Okay. By the end of the  
8 fiscal year. Okay. Thank you.

9           CHAIRWOMAN HART STEBBINS: All right. Thank  
10 you.

11           We are now on Item 14C, UNMH quarterly  
12 report. Mr. McKernan.

13           MR. MCKERNAN: Thank you, Madam Chair. My name  
14 is Steve McKernan. I serve as the administrator of  
15 the University of New Mexico Hospital. In your  
16 packet, you have our quarterly report. I was going to  
17 try and move through it rather quickly, given the hour  
18 and the commission's familiarity with the report.

19           Starting on Page 3, it looks at the  
20 encounters for residents of Bernalillo County. And  
21 seeing the first quarter, we've had about 166,000  
22 encounters. About 24,000 were with First Choice, who  
23 is our partner; and then we had about 12,000  
24 encounters for Native Americans from Bernalillo  
25 County.

1           Page 4 looks at the financial assistance  
2 provided at cost to patients from each of the counties  
3 in the State of New Mexico. For the first quarter,  
4 UNM Hospital provided about \$50 million of  
5 uncompensated care at cost; about 39 million of that  
6 was from Bernalillo County. And then you can see the  
7 other counties, with Sandoval and Valencia County  
8 having the largest amounts from those surrounding  
9 counties.

10           On Page 5 looks at the patients that we have  
11 enrolled in our UNM Care and UNM Care Initiative  
12 programs. Those are the financial assistance programs  
13 which allow people to come to UNM and be able to pay a  
14 nominal copay. To qualify for it, you have to be a  
15 resident of the county and have income less than  
16 350 percent of the poverty guidelines. We have about  
17 39,000 patients enrolled in that program, and about  
18 15,000 of those patients are assigned to First Choice  
19 to be able to get their primary care.

20           On Page 6, it looks at the emergency care  
21 services and the number of patients that have left  
22 without being seen. The number is relatively stable.  
23 We've been trying to push very hard to reduce that  
24 number by moving our medical screening exams right up  
25 to the front of the emergency room and do those upon

1 entry of a patient to the emergency room. They popped  
2 up a little bit in September, but I will note that  
3 September was an extraordinarily busy month at the  
4 hospital, one of the busiest months we have ever had  
5 at the hospital.

6 The time for arrive to disposition of the  
7 patient is shown in the next graph of Page 6, and it  
8 has remained dead steady at about seven hours.

9 On Page 7 is some information related to our  
10 hires and terminations at the hospital. Right now  
11 those numbers are very steady, with our terminations  
12 about the same as our hires, so our workforce is very  
13 steady at the hospital.

14 On Page 8 is the statement of net asset or  
15 our balance sheet. The hospital is very steady. Our  
16 net assets have increased about \$300,000. Our cash  
17 position, our accounts receivable positions have  
18 remained relatively stable. Our accounts payable are  
19 a little bit up. That happens at this time of year as  
20 we await the arrival of the money from the mill levy.  
21 But otherwise, very stable.

22 Page 9 is our statement of revenues and  
23 expenses and changes in net assets. The hospital is  
24 very stable. Looking at the first quarter, we have a  
25 net margin of out 274,000, on total revenues of about

1     \$201 million. So I think that's one-tenth of  
2     1 percent. "Razor thin" would be some terminology to  
3     that would be used to our net margin. But, again, our  
4     expenses are under control, our revenues are up a  
5     little bit, and we've been able to manage other parts  
6     of the organization.

7             Going on to Page 10, this looks at the  
8     uncompensated care provided on an inpatient/outpatient  
9     basis by ZIP code within the county. So this analysis  
10    give an inpatient count, the number of patients from  
11    each ZIP code area, and then looks at the total amount  
12    of uncompensated care provided in those ZIP codes. As  
13    you can see, our top ZIP code number is 87121, I  
14    believe, and the second highest ZIP code is 87105.

15            CHAIRWOMAN HART STEBBINS: Steve, where is 121?  
16    Is that Westgate?

17            MR. MCKERNAN: Yes, I believe.

18            CHAIRWOMAN HART STEBBINS: So Southwest Mesa?

19            MR. MCKERNAN: Yes.

20            CHAIRWOMAN HART STEBBINS: Okay. Thank you.  
21    Sorry to interrupt.

22            MR. MCKERNAN: That's a good question.

23            On Page 11, that looks at it by ZIP code and  
24    the type of services we provide. So, for instance, we  
25    saw a total of 3,000 patients for cancer services. We



1 saw about 34,000 for medicine services, so that's  
2 going to be cardiology and pulmonology and  
3 gastroenterology and general medicine services. We  
4 saw about 10,000 patients for psychiatric illnesses,  
5 and then a variety of patients for the other services.

6 Emergency services was about 3300 patients,  
7 so you can see the dominant service we provide is  
8 internal medicine, and most of that is in the  
9 specialities, like I said, cardiology, pulmonology,  
10 gastroenterology.

11 Going on to Page 10, it looks at the  
12 specific diagnosis and mental disorders with the  
13 highest number for specific diagnosis. And, again,  
14 there were 10,000 visits there. The next one was  
15 diseases of musculoskeletal, connective tissue, 6,000.  
16 That can be sprained ankles, that can be knees, that  
17 can be hips, back pain, those type of things.

18 The next one, factors influencing health is  
19 a lot of screenings for patients, just general,  
20 routine-type issues. Then diabetes is effectively the  
21 next one. And then you go down the list from there.

22 On Page 13 looks at the emergency room wait  
23 time for Bernalillo County residents until they get  
24 in. And you can see we were up at around two hours.  
25 We got it down to closer to about an hour and a half.

1 It jumped up in September, but as I had mentioned,  
2 September was an extraordinarily busy month. I think  
3 the number in October will drop down. Again, we have  
4 a lot of focus in the emergency room, in trying to  
5 make sure we do those medical screening exams up  
6 front. And then that gives us the opportunity to  
7 advise patients if they do not have an emergency  
8 medical condition that they have another option of  
9 going to our urgent care center, which is just down  
10 the hall from the emergency room. And our volumes in  
11 the urgent care center is up significantly. We  
12 continue to add staff to that area, lengthen the hours  
13 in that area. And that has proven to be a very good  
14 option for people who initially show up in the  
15 emergency room but can actually seek care in the  
16 urgent care center.

17 CHAIRWOMAN HART STEBBINS: Excuse me, Steve.  
18 Commissioner Talbert.

19 COMMISSIONER TALBERT: Thanks, Madam Chair.

20 On the urgent care, Steve, are you guys  
21 advertising that, or is it just -- and I guess I'm  
22 thinking if you were to do that, maybe that could  
23 avoid them even hitting the emergency room to start.  
24 Or is that more of a triage and then they get sent  
25 down there because they think they're emergency room

1 and you guys realize -- tell them, "No, not really.  
2 We can take care of you here.

3 MR. MCKERNAN: Madam Clerk, Commissioner  
4 Talbert, we have some restrictions under federal law,  
5 so if somebody walks in we must treat them as an  
6 emergency patient. Now, we have signs on the way  
7 walking in in every hallway around the emergency room  
8 in English and Spanish advising people about stop,  
9 think, if you think this is an emergency condition,  
10 please proceed. If you think this is an urgent  
11 condition, please go in this direction down to the  
12 urgent care center and it's available for you.

13 We just have a situation where we  
14 effectively have tried to put urgent cares at our  
15 clinics out in the community and they don't work. For  
16 some reason, people in our community have a homing  
17 device that sends them to UNM Hospital's emergency  
18 room when they think they are sick. So what we  
19 believe is the best strategy at this point is that the  
20 urgent care collocated right next to the emergency  
21 room. And that has worked outside incredibly  
22 successfully. It's run by our nurse practitioners who  
23 have access to the emergency medicine physicians, if  
24 they need them. But they provide a high level of  
25 care, a very rapid turnaround for the patients. Very

1 high patient satisfaction from that facility.

2 COMMISSIONER TALBERT: I appreciate that. I  
3 mean, we have kids, we use the urgent care. Maybe we  
4 should change the name to emergency urgent care, and  
5 then they'd go there first.

6 MR. MCKERNAN: Thank you, sir.

7 Page 14 is the financial assistance  
8 applications. They had dropped off a little bit, but  
9 we have them back up close to 2500 per month. And as  
10 we approach the Affordable Care Act deadline dates, we  
11 are adding more resources in there to try and get as  
12 many people who pay qualify for the Affordable Care  
13 Act, either Medicaid, which we estimate about  
14 75 percent of our patients who are in the UNM care  
15 program will be able to be eligible for Medicaid, to  
16 direct them there or provide assistance through the  
17 navigator program for people to get onto the exchanges  
18 and get registered onto the exchanges.

19 Page 15 looks at our revenue by sources. As  
20 you can see, our largest revenue source is Medicaid,  
21 with \$251 million; Medicare with 142 million; private  
22 insurance with 208 million; other patients, 52  
23 million; Bernalillo County mill levy, 91 million; and  
24 other revenue sources, about \$42 million.

25 On Page 16, then, we break down our expenses

1 as an allocation to the mill levy, because the mill  
2 levy is for the general operations of the hospital.  
3 As you can see, salaries and benefits represent about  
4 \$46 million of that allocation to the mill levy.  
5 Medical supplies will be another -- or medical  
6 services about 15 million. So that's physician  
7 services and other services that we're paying for  
8 patients. Medical supplies, about \$14 million. Then  
9 the other numbers, depreciation, equipment and other  
10 services are outlines below that.

11 Page 17 then takes that mill levy and looks  
12 at it in a little bit different way by the type of  
13 services we provide. And as we mentioned earlier, the  
14 highest allocation would go to internal medicine. So  
15 these really are adult patients who are seeking  
16 frequently routine care plus follow-up to the routine  
17 care. So patients who have been diagnosed with asthma  
18 or COPD, chronic obstructive pulmonary disease, will  
19 go to pulmonology. If they have a heart condition or  
20 heart failure, they'll go to cardiology. If they have  
21 an infectious disease, they will go to our infectious  
22 disease folks. Diabetes will go to our endocrinology  
23 folks.

24 Next is pediatrics, with about 13 million of  
25 that -- about a third of everything we do at UNM is

1     pediatrics. Family medicine, about 11 million.  
2     Family medicine, very analogous to internal medical  
3     and the type of conditions that are treated. About  
4     \$11 million to our surgery department. Now that will  
5     go everywhere from trauma surgery. It can be open  
6     heart surgery. It could be vascular surgery. It can  
7     be a variety of different general surgical conditions,  
8     ENT, urinology, those type of things.

9             Next category will be orthopedics, with  
10    about six and a half million. Again, they could be  
11    fractures, they could be traumatic injuries, a lot of  
12    back pain work done there, a lot of joint replacement  
13    work done in orthopedics.

14            Next category is going to be neurology,  
15    including neurosurgery, for 5.8 million, so that's  
16    going to be stroke and other movement disorders. Then  
17    the next category is going to be emergency medicine,  
18    four and a half million dollars, and then ob/gyn for  
19    five and a half million dollars.

20            Going on to Page 18, then we broke down the  
21    allocation of the mill levy to our behavioral health  
22    services. We allocate 15 percent of mill levy, which  
23    is about \$12 million to behavioral health services.  
24    Most of that is going to be salaries and benefits,  
25    eight and a half million dollars medical services,

1 which is support of physicians, \$1.9 million in  
2 supplies. When you're in the behavioral health  
3 delivery arena, it really is mostly salaries,  
4 psychologists, social workers and other people  
5 supporting that service.

6 Then on Page 19 are some graphs on our UNM  
7 Care and SCI enrollment and how it has trended over  
8 the years. And also, you've asked us to add the  
9 referrals to collection agency. And you can see we've  
10 had to refer about 4,000 accounts per month to  
11 collection agency. And then on Page 20 is our use of  
12 extended business office and payment plans that we  
13 create with patients. So for patients who don't  
14 qualify with the UNM Care program, they can enter into  
15 an agreement to have payment plans with the hospital  
16 in which we don't charge interest. We'll charge  
17 anywhere from 25 to 50 to \$75 a month. We combine  
18 accounts, and as long as the patient stays current,  
19 then they can perform on that account and won't have a  
20 referral to a collection agency.

21 That's an update on the hospital. I'd be  
22 happy to answer questions about any of those items or  
23 any other questions the county commission might have  
24 related to UNM hospital.

25 CHAIRWOMAN HART STEBBINS: Thank you.

1 Mr. McKernan, you mentioned in your presentation the  
2 number of people sent to collections. What slide is  
3 that on?

4 MR. MCKERNAN: 19.

5 CHAIRWOMAN HART STEBBINS: Why don't I see that?

6 MR. MCKERNAN: On the bottom, referrals to  
7 collection agency. There's a graph that goes up and  
8 down with the blue line.

9 CHAIRWOMAN HART STEBBINS: No, I don't think  
10 that's it.

11 MR. MCKERNAN: Oh, you know, I apologize. You  
12 know, I had that, you had asked for that, I had them  
13 update it. I'll bet it didn't make it on to the  
14 presentation. They gave it to me. I apologize. I  
15 will leave this, my presentation, with the county  
16 manager and he can make sure that's circulated around  
17 to the county commission. But it's about 4,000  
18 accounts per month.

19 CHAIRWOMAN HART STEBBINS: Commissioner  
20 O'Malley.

21 COMMISSIONER O'MALLEY: Thank you, Madam Chair.  
22 And we've already had several discussions about the  
23 issue of collections and just a very detrimental  
24 effect it has on families to have these -- receive  
25 these letters and they, as a result, sometimes don't



1 pursue care because they're worried about getting into  
2 debt even more.

3 So what does this represent, about 4,000  
4 collection -- what does this represent in money, do  
5 you know on average?

6 MR. MCKERNAN: Madam Chair, Commissioner  
7 O'Malley, I do not know that number. I'd have to get  
8 the amount of the referrals to collection agencies.

9 One of the other things that we do do is if  
10 a patient approaches us at the hospital, we will  
11 reduce their bill down to our cost. So we'll write  
12 45 percent off our bill charges and take it down to  
13 cost. That's considered a best practice in the United  
14 States, is to get it to our cost to charge ratio so  
15 that an individual patient isn't paying any more than  
16 an insurance company would pay for that. But I can  
17 get that number for you.

18 COMMISSIONER O'MALLEY: That seems to be a  
19 recurring problem, the issue of collections and the  
20 problems associated with especially people who I know  
21 are working with Pathway System to advocate on behalf  
22 of their clients so that we can resolve this issue.  
23 And that has a pretty negative effect on families in  
24 general, so I was worried about that.

25 So just, you know, since I haven't been here

1 that long, this reporting system, and maybe I guess  
2 the county manager or someone else could answer this,  
3 do we have this similar report for the last, I don't  
4 know, three years, on a quarterly basis?

5 MR. MCKERNAN: Madam Chair, Commissioner, we've  
6 been reporting this for the last five or six years and  
7 we have all those quarterly reports. They're actually  
8 posted on our website, but we can get copies to the  
9 county manager.

10 COMMISSIONER O'MALLEY: And it's broken down  
11 just like this?

12 MR. MCKERNAN: Madam Chair, Commissioner  
13 O'Malley, basically, yes. But we have been asked to  
14 modify and add additional reports over the years. So  
15 the reports you're seeing now we've been doing for, I  
16 believe, over a year. But in various forms, the  
17 substance of this has been pretty much the same over  
18 the last five or six years.

19 COMMISSIONER O'MALLEY: Okay. That was my  
20 question. I think there was some request about how we  
21 broke down the mill levy, the revenue, to expenses.

22 MR. MCKERNAN: That was a request from the  
23 County Commission to show that format similar to  
24 formats that the county shows about how their  
25 expenditures are made.

1 COMMISSIONER O'MALLEY: Right. Okay. Thank  
2 you.

3 CHAIRWOMAN HART STEBBINS: If I may go back to  
4 that collections question. So on Page 3, you have a  
5 figure that says number of self-pay county residents  
6 sent to collection agency, and it shows a zero. How  
7 does that compare with the 4,000.

8 MR. MCKERNAN: That's an erroneous number.  
9 That's why we added the other chart in the back. And  
10 I'll have that corrected. I apologize.

11 CHAIRWOMAN HART STEBBINS: And then Page 14,  
12 this is kind of a question I have had several times.  
13 I think I've asked you, do you have the list of  
14 financial -- financial assistance applications, I  
15 believe. It would be helpful -- so those are the ones  
16 that have been approved?

17 MR. MCKERNAN: Yes, Madam Chair.

18 CHAIRWOMAN HART STEBBINS: Where's the total  
19 number of applications? So where do we see the ones  
20 that have been denied?

21 MR. MCKERNAN: I can get that number for you.

22 CHAIRWOMAN HART STEBBINS: I think that it would  
23 be really helpful on this slide or in every  
24 presentation that you give that you give that number.  
25 Because I think that gives a more complete picture.

1 And I know at the last meeting you provided it in a  
2 supplemental document, but I think it would be helpful  
3 just as matter of course to include that.

4 And then -- so Page 13 you give an  
5 accounting of emergency room wait times for Bernalillo  
6 County residents. So that's about -- at about two  
7 hours, but on Page 6, you have a different chart for  
8 emergency room, hours to disposition. What is the  
9 difference between those two?

10 MR. MCKERNAN: The first chart you're looking  
11 at, for the two hours, is from when a patient arrives  
12 until they're in a cubicle and available to be seen by  
13 the doctor and the nurse.

14 CHAIRWOMAN HART STEBBINS: All right.

15 MR. MCKERNAN: And then so you take the  
16 approximate seven-hour one, subtract the two hours, so  
17 the average is they'll be in the cubicle for about  
18 five hours.

19 CHAIRWOMAN HART STEBBINS: All right. That  
20 answered my questions.

21 Any other questions, comments?

22 Thank you very much. Oh, I guess one  
23 question. The status of the North Valley clinic.

24 MR. MCKERNAN: I was waiting for that. I  
25 thought I was going to be able to get away.

1           CHAIRWOMAN HART STEBBINS: You thought you were  
2 going to get away.

3           MR. MCKERNAN: Usually Commissioner O'Malley  
4 asks me this question. I do apologize. My  
5 understanding is we took it back to the higher  
6 education department about two weeks ago because we  
7 had to get a new appraisal on the property. And then  
8 they approved it and they said they would list it on  
9 the next state board of finance agenda, which I  
10 believe is November 12th or 16th. And then it will be  
11 up to the state to present it to them.

12           The indications we've gotten from the state  
13 board of finance is that they're positively  
14 predisposed to that transaction.

15           CHAIRWOMAN HART STEBBINS: All right. Seeing no  
16 more questions, thank you very much.

17           The next administrative meeting of the  
18 Bernalillo County Commission will be Tuesday,  
19 November 12th at 5:00 p.m., here in the Vincent E.  
20 Griego Chambers. That will be preceded by a board of  
21 finance meeting at 4:30. That will be preceded by a  
22 zoning meeting at 2:00 p.m. Again, those are all  
23 Tuesday, November 12th, 2013.

24           Seeing no further business, this meeting is  
25 adjourned.

(Proceedings adjourned at 9:00 p.m.)

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO  
3  
4

5 REPORTER'S CERTIFICATE

6 I, Kelli Gallegos, New Mexico Provisional  
7 Reporter, No. P-409, working under the direct  
8 supervision of Paul Baca, NM CCR #112, do hereby  
9 certify that I reported the foregoing proceedings in  
10 stenographic shorthand and the pages are a true and  
11 correct transcript of those proceedings and were  
12 reduced to printed form under my direct supervision.

13 I FURTHER CERTIFY that I am neither  
14 employed by nor related to any of the parties or  
15 attorneys in this matter and that I have no interest  
16 in the final disposition of this matter.  
17  
18

19 \_\_\_\_\_  
20 KELLI GALLEGOS  
21 Provisional License P-409  
22 License Expires: 9/7/14  
23  
24  
25



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: County Manager  
 Prepared By: Kevin Kinzie  
 Director: Tom Zdunek  
 DCM:

**Title:** Management Collective Bargaining Negotiating Teams

## Action:

Motion to approve Management Collective Bargaining Team Members for FY15 Contracts.

## Summary:

Bernalillo County Code section 2-212 requires the county commission to designate up to four members of county management collective bargaining teams. The code also calls for a negotiating period to commence no later than 120 days before the date the next county budget is anticipated to be presented to the county commission. The county budget office anticipates that the FY15 budget will be initially presented at the April 8, 2014 commission meeting, making December 9, 2013 the start of the 120-day period identified in the county code. This time frame is designed to allow for negotiated agreements to be presented to the commission prior to the start of FY15.

To lend consistency to management teams as well as retain historical knowledge of past negotiations, the county plans to continue an approach to appointing management team members that started last year. For the majority of teams, management will appoint a core group of three members, with the fourth position occupied by a management employee with specific knowledge of the work of the bargaining group with whom negotiations may occur. For the two bargaining groups whose employees the Sheriff has oversight, the teams are proposed as two members of the core group and two members of the Sheriff's command staff.

### White Collar Management Team AFSCME Local 2260

Kevin Kinzie, Office of the County Manager  
 Manager  
 Geri Maestas, Finance Division  
 Matthew Marquez, Human Resources Dept.  
 Michael Garcia, County Clerk's Office

### Blue Collar Management Team AFSCME Local 1461

Kevin Kinzie, Office of the County  
 Manager  
 Geri Maestas, Finance Division  
 Matthew Marquez, Human Resources Dept.  
 Mark Chavez, Parks and Rec. Dept.

### Juvenile Detention Center Employees AFSCME Local 1536 Local 2499

Kevin Kinzie, Office of the County Manager  
 Geri Maestas, Finance Division  
 Matthew Marquez, Human Resources Dept.  
 Craig Sparks, YSC

### Bernalillo County Correction Officers Association AFSCME

Kevin Kinzie, Office of the County Manager  
 Geri Maestas, Finance Division  
 Matthew Marquez, Human Resources Dept.  
 Frank Maestas, Acting Deputy Chief, MDC



The following teams are proposed with a composition of two core members from the teams above and two members from the Bernalillo County Sheriff's Department.

**Court Security Specialists**

**AFSCME Local 1661**

BCSO Justin Dunlap, Captain, BCSO  
BCSO

Ed Mims, Captain, BCSO

Geri Maestas, Finance Division

Kevin Kinzie, Office of the County Manager

**BCDSA**

Shureke "Sid" Covington, Captain,  
Matt Thomas, Captain,

Geri Maestas, Finance Division

Kevin Kinzie, Office of the County Manager

**Staff Analysis Summary:**

Legal Peter Auh Completed 10/25/2013 9:35 AM

Approved. PSA

County Manager Tom Zdunek Completed 10/31/2013 1:26 PM

These bargaining teams represent a change of prior practice. Two members will be the consistent voice of management and will provide a controlled and considered approach to negotiations. T.Z. 10/31/2013

Board of County Commissioners Yvette Chavez Pending



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: Technical Services

Prepared By: Julie Baca

Director: Roger Paul

DCM: Jarvis Middleton

**Title:** Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project

## Action:

Motion to authorize the County Manager to award and execute the construction contract document to the lowest responsive bidder for the Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project.

## Summary:

This project consists of building water and sewer infrastructure for the residences on Sunstar Loop SW off of Rio Bravo Boulevard SW and around surrounding areas. The project will provide 32 lots water service and 39 lots sewer service. This project is a part of the Valley Utilities Project and is intended to protect and enhance groundwater quality in the region through the ultimate decommissioning of private residential sewer septic systems in the neighborhood. The project requires the complete removal and replacement of existing residential roadways in order to construct the sewer and water infrastructure. While not the primary goal of the project the re-built residential roads will cost less to operate and maintain.

The project includes two MRGCD canal crossings which must be constructed before February 15<sup>th</sup>, before the 2014 irrigation season. Consequently, we must move quickly to begin construction of this project. Staff requests that the Board authorize the County Manager to award this project and execute the construction contract document with the lowest responsive bidder. The estimated total construction cost is \$3.3 million and the project duration is approximately six (6) months. The project is funded in part by a \$1.0 million Federal EPA grant. The project was advertised on October 15, and bids will be opened on November 14, 2013.

## Attachments:

- FAF Rio Bravo Del Rio (XLSX)
- Location Map (PDF)

## Staff Analysis Summary:

Technical Services Roger Paul Completed 10/21/2013 1:46 PM

Approved for routing.....RAP 10/21/13

Purchasing Colin Spencer Completed 10/22/2013 1:43 PM

Proper Purchasing procedures will be followed for the formal solicitation, evaluation and award of RFB# 0002-14-CS scheduled at this time to close for bids on November 14, 2013. Colin Spencer, Senior Buyer, 10/22/2013

Risk Management Tiffany Chamblee Completed 10/25/2013 1:49 PM

3216: Risk Management has reviewed the motion to Authorize the County Manager to award and execute the construction contract document to the lowest responsive bidder for the Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project. Standard insurance Requirements shall apply as stated on the RFB. Joe Crelier, Risk Management Director 10/25/13  
Budget & Business Improvement Shirley Ragin Completed 10/28/2013 8:16 AM  
Reviewed and approved. SMR 10/28/2013

Finance Teresa Byrd Completed 10/28/2013 1:34 PM

This project is being funded by 3 sources, EPA Grant, Storm Drainage Bonds and Waste –Water funding. I recommend approval.

Deputy County Managers Jarvis Middleton Completed 11/05/2013 8:25 AM

As part of the overall Valley Utilities Project, this specific project generally serves the neighborhoods south of Rio Bravo Boulevard and west of Adobe Acres. Due to the need to construct infrastructure across two (2) MRGCD facilities prior to the next irrigation season, the project needs to start as soon as possible after the bid opening. Due to the upcoming BCC schedule, authorization to the County Manager is necessary in order to start the project promptly. I recommend Board approval. JDM 11/4/13

Legal Peter Auh Completed 11/05/2013 9:07 AM

The Board of County Commissioners has the authority to undertake the requested action. PSA  
County Manager Tom Zdunek Completed 11/07/2013 10:36 AM

The complexity of providing water & sewer on an earlier phase prompted the decision to bypass this particular area. Now the right of way issues have been resolved, and is now ready to construct. I recommend Board approval. T.Z. 11/7/2013

Board of County Commissioners Yvette Chavez Pending



# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

Date:	November 12, 2013
Action Item Title:	Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project
Department:	Technical Services
Form Prepared By: (Name, Title & Phone Number)	James Moreno, FA, 224-1643
Form Reviewed By: (Budget Office Staff Name & Title)	Stephanie Pugh, Financial Services Administrator IV
(1 thru 5 or all) BCC District:	2

## SECTION 2: PROJECT OVERVIEW

Public Works request the approval to authorize the County Manager to award and execute the construction contract and future amendments to the lowest bidder for the Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project. This project consists of building water and sewer infrastructure for the residences on Sunstar Loop off Rio Bravo Boulevard and surrounding areas. The project will serve roughly 40 lots.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
Federal EPA Grant (XP-00F08101)		X	1,067,000	-	-	-	-	\$ 1,067,000
CA-Storm Drain Bonds		X	1,000,000	-	-	-	-	\$ 1,000,000
CA-Water/Waste Water Funding		X	1,831,646	-	-	-	-	\$ 1,831,646
SUB-TOTAL NON-RECURRING			3,898,646	-	-	-	-	\$ 3,898,646
Total Revenues			3,898,646	-	-	-	-	\$ 3,898,646

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES** \$ 3,898,646

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
Pre-Construction Costs		X	207,936	-	-	-	-	\$ 207,936
Water/Sewer infrastructure Construction		X	3,290,710	-	-	-	-	\$ 3,290,710
Allocation for change orders		X	400,000	-	-	-	-	\$ 400,000
SUB-TOTAL NON-RECURRING			3,898,646	-	-	-	-	\$ 3,898,646
Sub-total Operating Expenditures			3,898,646	-	-	-	-	\$ 3,898,646

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY14	FY15	FY16	FY17	FY18	TOTALS
N/A				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
Sub-total Staff Cost Expenditures				-	-	-	-	-	\$ -

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES**

Attachment: FAF Rio Bravo Del Rio [Revision 1] (3216 : Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project)



# FINANCIAL ANALYSIS FORM

**TOTAL EXPENDITURES** \$ 3,898,646



## FINANCIAL ANALYSIS FORM

### SECTION 5: NARRATIVE

#### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - Funding for the Rio Bravo Del Rio Infill Area Sewer and Water Improvements Project come from three sources, 1) Environmental Protection Agency (EPA) grant of \$1.67 million dollars, 2) \$1.0 million dollars from storm drainage bonds, and 3) \$1,831,646 in water & waste-water funding. Pre-construction costs of \$207,936 has been expended or encumbered for design and right of way. Total construction cost is estimated to be \$3.3 million, with an additional \$400,000 allocated for potential change orders. Project completion time is estimated to be six (6) months.

Current Impact of Proposed Action - The project was advertised on October 15th and bids will be opened November 14th 2013.

Future Implications - When the project is completed it will enhance existing residential roads, and improve access. The project will reduce current County operations and maintenance cost due to the proposed new roadway and drainage infrastructure. The savings is estimated to be \$1,000 annually. The majority of this project will be owned and operated by the Water Utility Authority.

#### OTHER SIGNIFICANT ISSUES

Departmental Impacts - If approved; the County Manager will execute the construction contract to the lowest bidder for the residences on Sunstar Loop and surrounding areas. Two key project constraints necessitate the County moving quickly to start construction of the project. 1) Project is partially funded by a \$1 million Federal EPA grant which expires March 31, 2014. 2) Project includes two MRGCD canal crossings which must be constructed before February 15th for the irrigation season.

Countywide Impacts - This project is intended to protect and enhance groundwater quality in the region through the ultimate decommissioning of private residential sewer septic systems in the neighborhood. The project will also enhance existing residential roads, improving access and the long term operations and maintenance cost for these facilities.

Other - Residents who live in this area and are benefitting from this will need to pay to be connected to the new sewer system and the existing septic systems will be decommissioned. The cost of the connection will be added to the residents monthly sewer bill.

#### JUSTIFICATION

Mandated - This project is not mandated.

Program Relevance - This project is intended to protect and enhance regional groundwater quality through the ultimate decommissioning of private residential sewer septic systems in the neighborhood. The project will also enhance existing residential roads, improving access and the long term operations and maintenance cost for these facilities.

Other Measures - It is anticipated awarding of the contract will occur mid-November. The project is expected to begin in December 2013 and will take 6 months to complete.

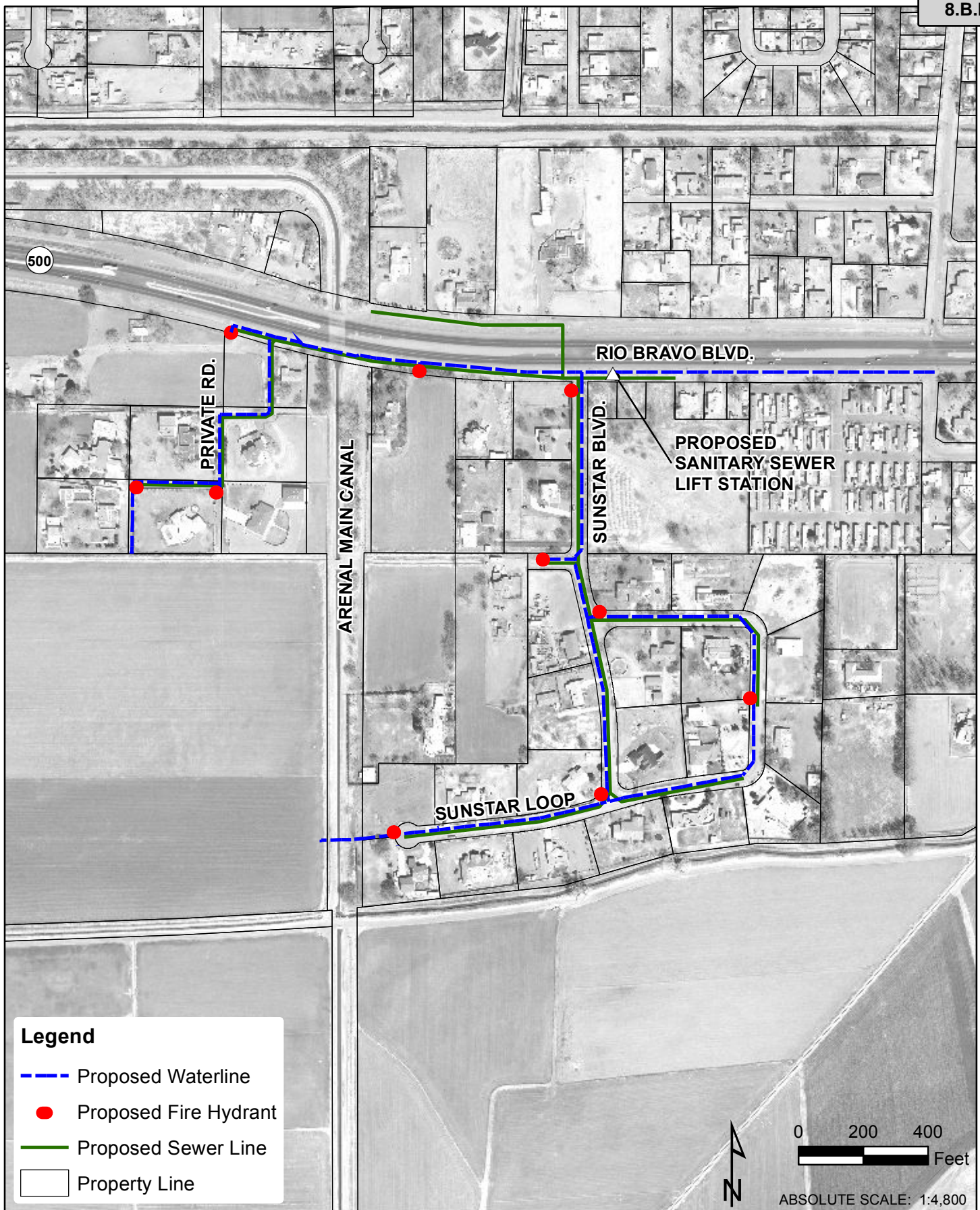
#### ALTERNATIVES

If not approved there will be no action on this project. This alternative will result in the loss of more than \$1.0 million dollars in EPA grant funding. Existing sanitary sewer septic systems would not be decommissioned, which in time may negatively impact groundwater quality.

#### BUDGET / FINANCE RECOMMENDATION

The budget staff has reviewed this item. The non-recurring funding from the sources noted above is in place to meet the requirements of this request.





## FIGURE 1: Location Map

LOCATION: Sunstar Blvd. and Rio Bravo

PROJECT: Rio Bravo Del Rio Sewer and Water Improvements (TS.2005.RBDRWW)

DATE: October 2013

Path: P:\Engineering Project Information\Rio Bravo Del Rio\Design Documentation\Arc\_GIS Files\BCC Agenda Item - Construction.mxd

MRGCD MAP NO. 48  
ZONE ATLAS NO. P-11-Z



# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Fleet and Facilities Mgt

Prepared By: Julie Baca

Director: Mary Murnane

DCM: Jarvis Middleton

**Title:** Multi-Award Price Agreement for Electrical Supplies

## Action:

Motion to:

1. Award RFB #0007-14-CB for Electrical Supplies.
2. Approve price agreement for the Electrical Supplies with National Electric Supply for \$250,000 annually.
3. Approve price agreement for the Electrical Supplies with Summit Electric Supply \$250,000 annually.
4. Approve price agreement for the Electrical Supplies with Graybar Electric Supply \$175,000 annually.
5. Authorize the County Manager to execute future amendments to the Electrical Supplies agreement pursuant to Administrative Resolution AR 2012-17, for the purchase of goods and services, which exceeds \$150,000.

## Summary:

On August 22, 2013 the Bernalillo County Purchasing Department solicited Request for Bid (RFB) #0007-14-CB for electrical supplies to support Bernalillo County Facility Management repairs and operations of electrical equipment (medium voltage, low voltage, energy efficiency, and distribution standardization). The bid opening was September 24, 2013 and four (4) bids were received from local vendors. Final award for this multiple award bid was given to three (3) vendors: National Electric Supply, Summit Electric Supply, and Graybar Electric Supply.

Award for the electrical materials was based on a list of items most frequently purchased in Fiscal Year 2013, as well as discount off of list price on materials not regularly purchased. Under each category and bid lot, vendors meeting those requirements were awarded primary or secondary providers based on the aforementioned requirements and the materials they provide.

Bid lots were identified as such:

- Bid Lot 1- Energy Efficiency electrical materials
- Bid Lot 2-Low voltage electrical materials (less than 120 volts)
- Bid Lot 3-Medium voltage electrical materials (120 volts and above)
- Bid Lot 4-Square D electrical distribution equipment
- Bid Lot 5-Lithonia lighting equipment
- Bid Lot 6-Altronics power supply equipment
- Bid Lot 7-Bosch Access control equipment



The electrical supply vendors were awarded as follows:

1. Summit Electric Supply
  - 1.1. Primary Contractor -Bid Lot 1, Bid Lot 4.
  - 1.2. Secondary Contractor -Bid Lot 3, Bid Lot 5.
2. National Electric Supply
  - 2.1. Primary Contractor -Bid Lot 2, Bid Lot 3.
  - 2.2. Secondary Contractor-Bid Lot 1.
3. Graybar Electric Supply
  - 3.1. Primary Contractor-Bid Lot 5, Bid Lot 6, Bid Lot 7.
  - 3.2. Secondary Contractor- Bid Lot 2, Bid Lot 4.

Historically, Bernalillo County Fleet/Facility Management Department has utilized existing state or local contracts or used best obtainable quotations for these materials. Approval of this award will provide the County with exclusive control over pricing and contractual terms and conditions that are tailored to the needs of the County and ensure suitable cost effective electrical materials remain available to the County for proper maintenance of County-owned facilities.

Therefore, the Fleet/Facility Management Department is requesting the award of RFB #0007-14-CB to multiple vendors and approval of the associated agreements pursuant to Administrative Resolution AR 2012-17, for the purchase of electrical materials which exceeds \$150,000. Staff also requests the County Manager be authorized to amend these agreements.

## Attachments:

- Financial Analysis Form Electrical Supplies Materials 11 12 2013 (XLSX)

## Staff Analysis Summary:

Fleet and Facilities Mgt Mary Murnane Completed 10/22/2013 11:33 AM

Approved for routing. MM 10/22/2013

Purchasing Corrine Baca Completed 10/24/2013 1:43 PM

Proper Purchasing procedures have been followed for the formal solicitation, evaluation and award of RFB# 0007-14-CB, Contract Control Numbers 2013-0776 with Summit Electric, 2013-0777 with National Electric and 2013-0778 with Graybar have been issued for the agreements.

Cori Baca, Buyer, 10/24/2013

Risk Management Tiffany Chamblee Completed 10/25/2013 1:50 PM

3206: Risk Management has reviewed with no additional comment, the motions related to RFB #0007 and authorizes the County Manager to execute future amendments to the Electrical Supplies agreement pursuant to Administrative Resolution AR 2012-17, for the purchase of goods and services, which exceeds \$150,000. Joe Crelier, Risk Management Director 10/25/13

Budget & Business Improvement Shirley Ragin Completed 10/28/2013 8:14 AM

Reviewed and approved. SMR 10/28/2013

Finance Teresa Byrd Completed 10/29/2013 10:19 AM

Approval of this RFB will allow the County to purchase electrical supplies and materials in a cost effective and efficient manner. I recommend approval.

Deputy County Managers    Jarvis Middleton    Completed    11/05/2013 8:47 AM  
Approval of this agenda item will allow the County to purchase our most frequently needed  
electrical supplies using a County agreement that has been tailored for County needs. I  
recommend Board approval. JDM 11/5/2013

Legal   Peter Auh    Completed    11/05/2013 9:06 AM

County Legal has reviewed the price agreements and approved them as to legal form. PSA

County Manager    Tom Zdunek    Completed    11/07/2013 10:16 AM

I recommend Board approval for awarding supplies in this competitive process. T.Z. 11/7/2013

Board of County Commissioners    Yvette Chavez Pending



# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

<b>Date:</b>	November 12, 2013
<b>Action Item Title:</b>	Price Agreement for Electrical Supplies RFB
<b>Department:</b>	Facility Management
<b>Form Prepared By: (Name, Title &amp; Phone Number)</b>	Nathan Martinez, Electrical Supervisor, 505-991-0060
<b>Form Reviewed By: (Budget Office Staff Name &amp; Title)</b>	Stephanie Pugh, Financial Services Administrator IV
<b>(1 thru 5 or all) BCC District:</b>	All

## SECTION 2: PROJECT OVERVIEW

The action requests Commission approval to award the multi-price agreement (RFB #0007-14-CB) for electrical supplies and materials to three vendors. This award is required to facilitate the routine operations of the County Facilities Maintenance operations and Public Works Solid Waste Services. Approval of this motion will allow the County access to supplies and materials in a more cost effective, timely, and efficient manner reducing or eliminating interruptions in daily operations.

This action also requests Commission approval to Authorize the County Manager to execute future amendments to the Electrical Supplies agreement pursuant to Administrative Resolution (AR) 2012-17, for the purchase of goods and services that exceed \$150,000.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
<b>RECURRING</b>								
General Fund Base Budget		X	675,000	675,000	675,000	675,000	-	\$ 2,700,000
			-	-	-	-	-	\$ -
<b>SUB-TOTAL RECURRING</b>			<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>-</b>	<b>\$ 2,700,000</b>
<b>NON-RECURRING</b>								
			-	-	-	-	-	\$ -
			-	-	-	-	-	\$ -
<b>SUB-TOTAL NON-RECURRING</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$ -</b>
<b>Total Revenues</b>			<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>-</b>	<b>\$ 2,700,000</b>

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES** \$ 2,700,000

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
<b>RECURRING</b>								
Electrical Supplies and/or Materials		X	675,000	675,000	675,000	675,000	-	\$ 2,700,000
			-	-	-	-	-	\$ -
<b>SUB-TOTAL RECURRING</b>			<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>-</b>	<b>\$ 2,700,000</b>
<b>NON-RECURRING</b>								
			-	-	-	-	-	\$ -
			-	-	-	-	-	\$ -
<b>SUB-TOTAL NON-RECURRING</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$ -</b>
<b>Sub-total Operating Expenditures</b>			<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>-</b>	<b>\$ 2,700,000</b>

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY14	FY15	FY16	FY17	FY18	TOTALS
Not Applicable				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
<b>Sub-total Staff Cost Expenditures</b>				<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$ -</b>

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES**

**TOTAL EXPENDITURES** \$ 2,700,000



## FINANCIAL ANALYSIS FORM

### SECTION 5: NARRATIVE

#### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - Historically the Facilities Department piggy-backed on a State or local contract and received the best obtainable price for these materials. This did not always provide the County with the most efficient, or timely means of obtaining electrical supplies. The General Fund will be utilized to support the price agreements for electrical supplies to the following vendors: (1) National Electric Supply - \$250,000/annually, (2) Summit Electric Supply - \$250,000/annually, and (3) Graybar Electric Supply - \$175,000/annually for a period of four years.

Current Impact of Proposed Action - A thorough analysis of the County usage revealed it will be more cost effective to use a custom tailored materials pricing list through the selected vendors than to continue utilizing the State or local contracts. Actions associated with this request are based solely upon the necessity of County Facilities Maintenance to repair and maintain County facilities promptly while controlling and managing costs within the RFB terms and conditions.

Future Implications - The agreement is a four-year term and approval of this RFB will provide the County with exclusive control over pricing and contractual terms and conditions that are tailored to the needs of the County Facility Department and will ensure suitable cost effective electrical materials are available to the County for proper maintenance of County-owned facilities around the clock.

#### OTHER SIGNIFICANT ISSUES

Departmental Impacts - The Facility Management Department will gain a financial benefit of discounted pricing for electrical materials based on the most commonly purchased electrical materials for County-owned buildings. Efficient use of internal resources and not seeking external contracts to piggyback for electrical materials will save time for staff and allow for expedited purchase orders based on an exclusive price agreement.

Countywide Impacts - The terms and conditions of this agreement as stated in the agenda item will ensure minimal impact on current operations as the organization is better able to maintain and fund routine facility maintenance needs as well as emergency after-hours electrical needs.

Other - The bid opening was September 24, 2013 and four (4) bids were received from local vendors; three vendors were awarded a percentage of the multiple agreement.

#### JUSTIFICATION

Mandated - This is not a mandated service.

Program Relevance - These agreements will streamline the process the Facilities Department will use to obtain electrical supplies and materials. The price list agreements allow the County exclusive control over pricing and terms that benefit the County by specifically identifying those items most frequently purchased in fiscal year 2013, as well as providing for a discount off the list price on materials not regularly purchased. These price agreements provide competitive pricing and ensures the availability of electrical material with vendors accessible 24 hours a day, 7 days a week.

Other Measures - The exclusive price agreement is comprehensive and all inclusive targeting the most commonly purchased materials with an additional percentage off of the list price for items not typically purchased.

#### ALTERNATIVES

If not approved the County will not have the flexibility to have multiple supplies readily available for our facilities operations in order to meet our operational needs. The County would continue to utilize, or piggyback, on State or local contracts, or use best obtainable quotations which cannot exceed \$20,000 for materials. Historically this has created a hardship on our on-going operations having to track down outside contracts that fit the County needs and which are not always available in an emergency or after-hours situation.

#### BUDGET / FINANCE RECOMMENDATION

The budget staff has reviewed this item. There is adequate existing recurring base budget to meet the request of this RFB.



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: Fleet and Facilities Mgt

Prepared By: Julie Baca

Director: Mary Murnane

DCM: Jarvis Middleton

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**Title:** Rio Grande Indoor Swimming Pool Rehabilitation Project

**Action:**

Motion to:

1. Authorize the County Manager to award and execute the demolition contract document to the lowest responsible and responsive bidder for the Rio Grande Indoor Swimming Pool Rehabilitation Project
2. Authorize the County Manager to award and execute the phase I construction contract document to the lowest responsible and responsive bidder for the Rio Grande Indoor Swimming Pool Rehabilitation Project

**Summary:**

The Rio Grande Indoor Swimming Pool Facility is in a state of disrepair and in need of significant re-furbishing. Being that the pool is one of only three swimming pools in the South Valley, use of the facility is high. Bernalillo County contracted with Wilson and Company Engineers and Architects to design improvements to the pool. The Public Works Division and the Parks and Recreation Department have coordinated closely with Wilson and Company to come up with a high quality design that will be a safe attraction to the recreational and competitive swimmer, meet current building and ADA codes, and be energy efficient.

The upgrades to the Rio Grande pool consist of replacing the existing aluminum pan pool with a competition compliant concrete lined pool. The existing diving well cannot be made code compliant within the confines of the existing building and will be removed. The existing slide, pool deck, roof, pool filtration system and building mechanical systems will be replaced. If budget permits, the project may also include one or a combination of the following: Upgraded overhead lighting, the addition of two water closets in the women's shower room, replacing shower room tile, and/or new domestic water heaters. Each of these items will be bid as an alternate to the base bid.

Additional improvements that include a splash pad or leisure pool, a multipurpose room and an enhanced building exterior have been conceptualized as part of a future construction phase. There is currently not enough funding to consider these improvements in the first phase of construction.

In order to complete the project before Memorial Day 2014, the project will consist of two back to back phases. The initial phase will involve the demolition of the existing aluminum pan pool, slide, pool deck and mechanical systems. While the demolition phase is underway, the consultant will be finishing up the design and bid package for the construction phase. The construction phase will consist of installing all the features described above.

The Demolition Phase has been advertised for bid with bid opening occurring on November 12, 2013. It is estimated that the cost of the Demolition Phase will be \$300,000 and will be completed by January 8, 2014. The construction phase will be advertised for bid the second week in December and is estimated to cost a total of \$2,621,199. Total project funding consists of \$100,000 Legislative Grants, \$417,667 Park Bonds and \$2,403,532 General Fund. We anticipate this project to be completed by May 23, 2014.

Because the pool will be completely shut down during the demolition and construction phases, improvements are scheduled for the winter months when there are fewer users. The pool will be shut down completely from November 25, 2013 until the scheduled completion date of May 23, 2014. To help facilitate this schedule, staff requests that the Board authorize the County Manager to award this project and execute the demolition and construction agreements to the lowest responsive and responsible bidders.

## Attachments:

- FAF Rio Grande Pool Agenda Item 11 12 2013 (XLSX)
- RG Pool Vicinity Map (PDF)
- Conceptual Pool Layout (PDF)

## Staff Analysis Summary:

Fleet and Facilities Mgt Mary Murnane Completed 10/25/2013 3:00 PM  
Approved for routing. MM 10/25/2013

Purchasing Dinah Esquivel Completed 10/30/2013 10:56 AM

Purchasing will ensure that proper procedures are followed for the solicitation of the construction services required for this project. A contract control number will be issued upon receipt of fully executed agreements. Receipt of bonds and certificates of insurance is applicable for both projects and will be required prior to the issuance of a Purchase Order.

Risk Management Tiffany Chamblee Completed 10/30/2013 11:42 AM

3205: Risk Management has reviewed the motion to award contracts for demolition and phase I construction for the Rio Grande Indoor Swimming Pool Rehabilitation Project. Standard Insurance Requirements shall apply as stated in the RFB. Joe Crelier, Risk Management Director 10/30/13.

Budget & Business Improvement Shirley Ragin Completed 11/01/2013 11:06 PM  
Reviewed and approved. SMR 11/01/2013

Finance Teresa Byrd Completed 11/06/2013 11:28 AM

Funding is available from stated sources on the financial analysis form.

Deputy County Managers Jarvis Middleton Completed 11/06/2013 12:25 PM

Authorizing the County Manager to approve the demolition and construction phase contracts for the Rio Grande Pool Rehabilitation Project will allow for the completion of the project, in the spring. In addition this item will ensure that the County's only indoor pool is safe and functional. I recommend Board approval. JDM 11/6/2013

Legal Peter Auh Completed 11/06/2013 1:08 PM

The Board of County Commissioners has the authority to undertake the requested action. PSA County Manager Tom Zdunek Completed 11/07/2013 10:15 AM

The detailed summary outlines very clearly the need and time constraints. I recommend Board approval. T.Z. 11/7/2013

Board of County Commissioners Yvette Chavez Pending



# FINANCIAL ANALYSIS FORM

## SECTION 1: GENERAL INFORMATION

Date:	November 12, 2013
Action Item Title:	Rio Grande Indoor Swimming Pool Project
Department:	Public Works Fleet/Facilities Management
Form Prepared By: (Name, Title & Phone Number)	Ruth Lott, Fleet/Facilities Financial Projects Coordinator, 224 - 2170
Form Reviewed By: (Budget Office Staff Name & Title)	Stephanie Pugh, Financial Services Administrator IV
(1 thru 5 or all) BCC District:	2

## SECTION 2: PROJECT OVERVIEW

Public Works Division is requesting Commission approval to authorize the County Manager to award and execute the demolition contract to the lowest responsible and responsive bidder for the Rio Grande Indoor Swimming Pool Rehabilitation Project. Public Works Division is also requesting Commission approval to authorize the County Manager to award and execute the contract for phase I, the construction of the Rio Grande Indoor Swimming Pool to the lowest responsible and responsive bidder.

## SECTION 3: FUNDING SOURCE AND/OR REVENUE IMPACT

Funding Source	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
Loss of pool revenue during shutdown *			(26,933)					\$ (26,933)
2013 Legislative Appropriation Grant		X	100,000	-	-	-	-	\$ 100,000
CA - Parks & Rec Bonds		X	417,667					\$ 417,667
General Fund		X	2,403,532	-	-	-	-	\$ 2,403,532
SUB-TOTAL NON-RECURRING			2,921,199	-	-	-	-	\$ 2,921,199
Total Revenues			2,921,199	-	-	-	-	\$ 2,921,199

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

**TOTAL REVENUES** \$ 2,921,199

## SECTION 4: EXPENDITURE & STAFF IMPACT

Expenditure Description	NEW	EXISTING	FY14	FY15	FY16	FY17	FY18	TOTALS
RECURRING								
			-	-	-	-	-	\$ -
SUB-TOTAL RECURRING			-	-	-	-	-	\$ -
NON-RECURRING								
Pre-Construction		X	339,893		-	-	-	\$ 339,893
Demolition		X	300,000					\$ 300,000
Pool Improvement/Const. Cost		X	1,845,000	-	-	-	-	\$ 1,845,000
Allocation for change orders		X	436,306					\$ 436,306
SUB-TOTAL NON-RECURRING			2,921,199	-	-	-	-	\$ 2,921,199
Sub-total Operating Expenditures			2,921,199	-	-	-	-	\$ 2,921,199

\*New = New Funding Request/Not Currently Budgeted OR  
Existing = Funding Exists in the Budget

Staff Position Title	Status*	New	Existing	FY14	FY15	FY16	FY17	FY18	TOTALS
Non - Applicable				-	-	-	-	-	\$ -
				-	-	-	-	-	\$ -
Sub-total Staff Cost Expenditures				-	-	-	-	-	\$ -

\*Status of Position enter FT = Full-Time Equivalent, PT = Part-Time FTE, T = Term

**TOTAL EXPENDITURES**

**TOTAL EXPENDITURES** \$ 2,921,199





## FINANCIAL ANALYSIS FORM

### SECTION 5: NARRATIVE

#### FISCAL IMPLICATIONS

Historical Information and Existing Funding (include match and in-kind funding) - The Rio Grande Indoor Swimming Pool is one of three pools in the South Valley that is highly utilized and is in need significant re-furbishing. The County has contracted with Wilson and Company Engineers/Architects to design improvements that will meet building and ADA codes, and be energy efficient. The FY14 funding includes \$100,00 from a legislative appropriation grant, \$417,667 from Parks & Rec Bonds and \$2,403,532 from General Fund. Pre-construction costs of \$339,892 has been expended or encumbered for design and right of way. Demolition and construction of the project should take six months or until the latter part of May 2014.

Current Impact of Proposed Action - The pool will completely shut down during the demolition and construction phases beginning November 25, 2013 through May 23, 2014. Because of the closure; Parks & Recreation will forgo about \$26,933 in revenue from people who normally utilize the pool during that period. The demolition phase has been advertised for bid with the opening occurring on Nov. 12, 2013. The estimated cost of the demolition phase is \$300,000, and is to be completed by January 08, 2014. The construction phase will be advertised for bid the second week in December and estimated cost of construction is expected to be \$1,845,000. The allocation for change orders is \$436,306. The estimated completion date is the latter part of May 2014.

\* The Parks and Recreation pool revenues during the 2013 summer season were stronger than anticipated and will partially offset the loss of revenue expected during the construction period. The degree of the offset is still unknown therefore the full amount of the revenue loss is reflected in this analysis.

Future Implications - If budget permits, the project may also include one or a combination of the following: Upgraded overhead lighting, the addition of two water closets in the women's shower room, replacing shower room tile, and/or new domestic water heaters. Each of these items will be bid as an alternate to the base bid.

Additional funding will not be needed for staffing, or the operations and maintenance of the pool once construction is completed. It is anticipated revenue collection will increase after the improvements as the pool will not need to be closed for maintenance and repairs.

#### OTHER SIGNIFICANT ISSUES

Departmental Impacts - When the project is completed Parks & Recreation can offer programs in a safe, attractive and well-maintained facility that will reflect the public's needs and interest. The Park & Recreation Department is committed to providing community welfare through programs and services to the citizens of the County.

Countywide Impacts - The construction will allow the department to meet current building and ADA codes as well as energy efficient. The new and improved pool is expected to attract more attendance resulting in increased revenue collection.

Other - Additional improvements that include a splash pad or leisure pool, a multipurpose room and an enhanced building exterior have been conceptualized as part of a future construction phase. There is currently not enough funding to consider these improvements in the first phase of construction.

#### JUSTIFICATION

Mandated - Upgrades will allow the facility to meet current building and pool codes and ADA (AI - IP01 formerly AI55)

Program Relevance - The approval of the bid award will help to facilitate the demolition and re-furbish the Rio Grande Pool in a timely, effective and efficient manner. Our mission is to enrich the lives of the residents by providing safe, welcoming recreational facilities and affordable, diverse recreation and human services activities for people of all ages to play, learn, build community and to be good stewards of our environment.

Other Measures - Bernalillo County continues to enhance our recreational and social experiences at our community centers to enrich the lives of residents by providing safe, welcoming recreation facilities and affordable, diverse recreation and human services activities for people of all ages. Improvements include replacing the existing aluminum pan pool with a competition compliant concrete lined pool. The existing slide, pool deck, roof, pool filtration system and building mechanical systems will be replaced. A multi-purpose room and enhanced building exterior will be conceptualized as part of a future construction phase.

#### ALTERNATIVES

Without Commission approval of the award bill Bernalillo County will be forced to close the pool due to the unsafe conditions of the pool and the environmental concerns to our citizens.



## FINANCIAL ANALYSIS FORM

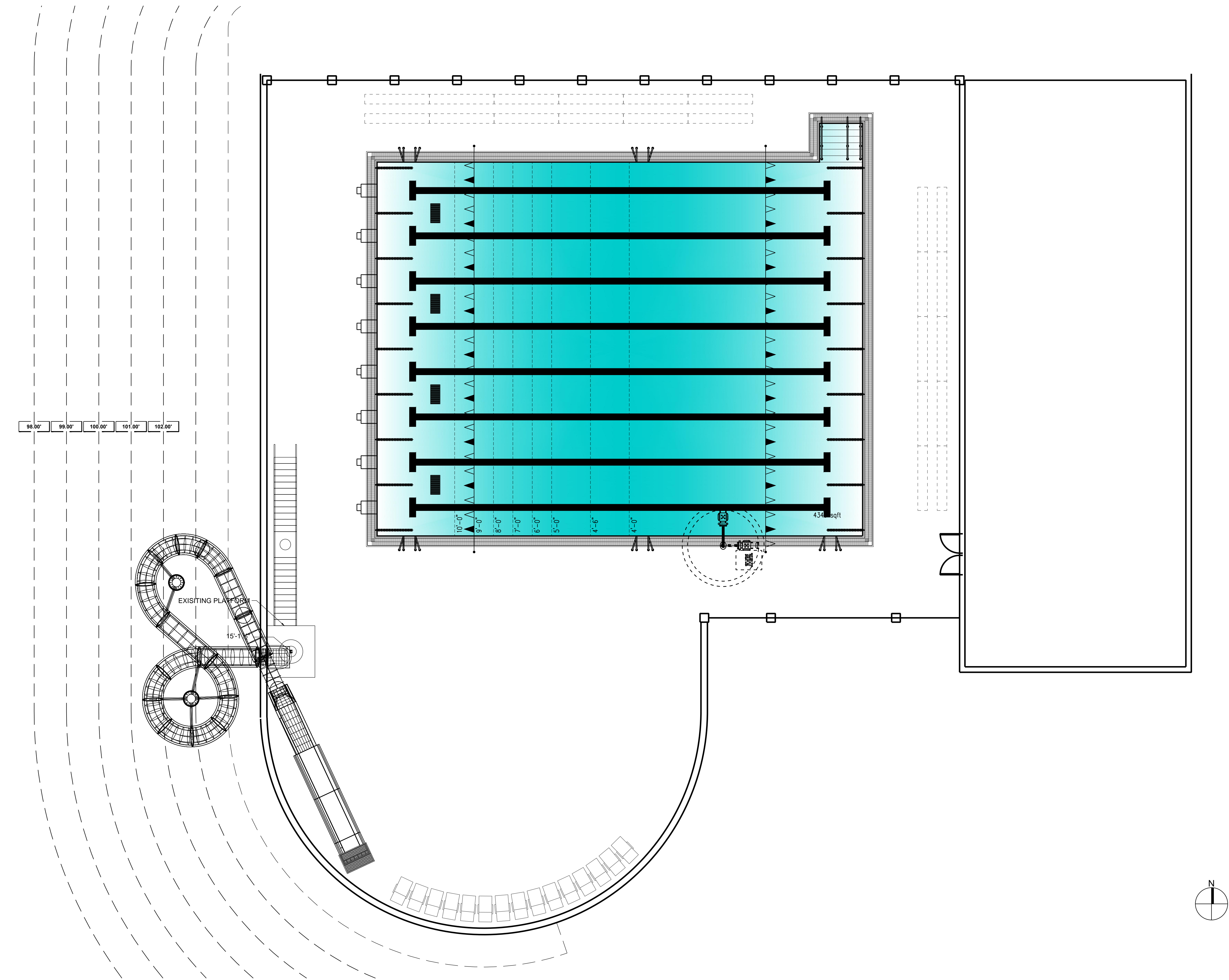
### BUDGET / FINANCE RECOMMENDATION

The budget staff has reviewed this item. The non-recurring funding from the sources noted above is in place to meet the requirements of this request. A loss of revenue during the construction period will be partially offset by stronger than anticipated pool revenues during the 2013 summer season.









LEISURE POOL FLOOR PLAN

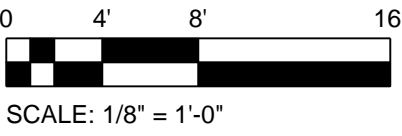
1

1/8" = 1'-0"

SCHEMATIC

Rio Grande  
Renovation

ALBUQUERQUE NM



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# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Legal  
 Prepared By: Juanita Gurule  
 Director: Randy Autio  
 DCM: Tom Swisstack

**Title:** A Resolution Correcting Clerical Mistakes in the Adoption of Amendments to and Subsequent Codification to the Bernalillo County Animal Care Services Ordinance

## **Action:**

Motion to approve Administrative Resolution AR 2013- to correct clerical mistakes in the adoption of amendments to and subsequent codification to the Bernalillo County Animal Care Services Ordinance.

## **Summary:**

Recently an Animal Advocate contacted county officials and pointed out three clerical errors in the amendments to the Bernalillo County Animal Care Services Ordinance enacted in the administrative meeting held on November 27, 2012, and amended in the administrative meeting held on February 26, 2013. The errors are clerical. The first two errors, § 6-31, Definition of Adequate Shelter, and § 6-64 Sale and Display of Animals, are copying errors that do not affect the ordinance's validity. As such they may be corrected by resolution. The errors in § 6-56A Care and Maintenance (Companion Animals) and § 6-56B Care and Maintenance (Livestock) concern the use of italics in defined terms, the elimination of a superfluous word, "accessible", and the changing of the subsection headings from letters to numbers in the Livestock ordinance to make them consistent. The final error, the omission of the italicized words contained in the version passed by this Commission by the Compiler, is also a copying error that may be corrected by resolution.

The passage of this Resolution correcting the above-described copying errors will result in the Bernalillo County Animal Care Services Ordinance more accurately reflecting the intent of this Commission when it enacted the Ordinance and its amendments.

## **Attachments:**

- Resolution Correcting Clerical Mistakes in Animal Care Services Ordinance (DOC)
- Exhibits to Resolution (PDF)
- Animal Ord Version Final Clean (11-12-13 Version) (DOCX)

## **Staff Analysis Summary:**

Legal Randy Autio Completed 11/07/2013 3:21 PM  
 approved as to legal

Deputy County Managers Tom Swisstack Completed 11/07/2013 3:50 PM

Recommend board approval. The proposed amendments are only corrections to ensure that the ordinance accurately reflects what the commission voted on in February. It is correcting clerical errors that occur during the transcription of the document to the minutes.

County Manager Tom Zdunek Completed 11/07/2013 5:19 PM

I recommend Board approval to amend the Ordinance for minor mistakes as noted within the Summary. TZ 11/07/2013

Board of County Commissioners Yvette Chavez Pending

**BERNALILLO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADMINISTRATIVE RESOLUTION NO. \_\_\_\_\_**

1           **A RESOLUTION TO CORRECT CLERICAL MISTAKES IN THE ADOPTION**  
2           **OF AMENDMENTS TO AND SUBSEQUENT CODIFICATION OF THE**  
3           **BERNALILLO COUNTY ANIMAL CARE SERVICES ORDINANCE ON FEBRUARY**  
4           **26, 2013**

5           WHEREAS, the Bernalillo County Animal Care Services Ordinance § 6-31, Definition of  
6           Adequate Shelter, was amended by unanimous vote during the February 26, 2013, meeting to  
7           remove the phrase “and/or insulation” and add the word “and” in Subsection (1)(b)(iv) of the  
8           definition.

9           WHEREAS, the vote and language cited immediately above are contained in the video  
10          of the February 26, 2013, meeting but were not added to the subsequently codified ordinance  
11          amendments through clerical error.

12          WHEREAS, the above-described clerical error resulted in a meaning of the amendment  
13          of Ordinance § 6-31 that does not reflect the intent of this Commission.

14          WHEREAS, the corrected version of Bernalillo County Animal Care Services Ordinance  
15          § 6-31, Definition of Adequate Shelter, is attached as Exhibit A to this Resolution.

16          WHEREAS, the Bernalillo County Animal Care Services Ordinance § 6-64 (e), Sale and  
17          Display of Animals, was amended by a three to two (3-2) vote during the February 26, 2013,  
18          meeting to add the phrase “rabbit” to the second sentence of the subsection and add the article  
19          “the” to the beginning of the same sentence.

**CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION AR 2013-\_\_\_\_\_ TO CORRECTION CLERICAL MISTAKES IN THE ADOPTION OF AMENDMENTS TO THE BERNALILLO COUNTY ANIMAL CARE SERVICES ORDINANCE ON FEBRUARY 26, 2013**

WHEREAS, the vote and language cited immediately above are contained in the video of the February 26, 2013, meeting but were not added to the subsequently codified ordinance amendments through clerical error.

WHEREAS, the clerical error resulted in an omission of the amendment to Ordinance § 6-64(e) that does not reflect the intent of this Commission.

WHEREAS, the corrected version of Bernalillo County Animal Care Services Ordinance § 6-64 (e), Sale and Display of Animals, is attached as Exhibit B to this Resolution.

WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance 6-56A, Care and Maintenance (Companion Animals) (1) & (5) adopted on February 26, 2013, includes defined terms, “adequate water,” “adequate space to prevent overcrowding,” and “owner” that were intended by this Commission to be in italics as defined terms. .

WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance 6-56A, Care and Maintenance (Companion Animals) (2) adopted on February 26, 2013, includes the phrase “sufficient space for adequate exercise, which should have been the defined term, “adequate space for exercise” was also intended by this Commission to be in italics as a defined term.

WHEREAS, the corrected version of Bernalillo County Animal Care Services Ordinance, Ordinance 6-56A, Care and Maintenance (Companion Animals) adopted on February 26, 2013,, is attached as Exhibit C to this Resolution.

WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance 6-56B, Care and Maintenance (Livestock) (a) adopted on February 26, 2013, includes the defined term, “adequate water” that was intended by this Commission to be in italics as a defined term.



**CONTINUATION PAGE 3, ADMINISTRATIVE RESOLUTION AR 2013-\_\_\_\_\_ TO  
CORRECTION CLERICAL MISTAKES IN THE ADOPTION OF AMENDMENTS TO THE  
BERNALILLO COUNTY ANIMAL CARE SERVICES ORDINANCE ON FEBRUARY 26,  
2013**

1 WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance 6-  
2 56B, Care and Maintenance (Livestock) (a) adopted on February 26, 2013, also includes the term  
3 “accessible” immediately after “adequate water” that was intended to be included by this  
4 Commission as it confuses the meaning of the defined term “adequate water” and should be  
5 removed.

6 WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance 6-  
7 56B, Care and Maintenance (Livestock) adopted on February 26, 2013, has subsections in letters  
8 instead of numbers as in § 6-56A and should be changed to numbers for consistency and to  
9 prevent confusion by the general public.

10 WHEREAS, the corrected version of Bernalillo County Animal Care Services Ordinance,  
11 Ordinance 6-56B, Care and Maintenance (Livestock), is attached as Exhibit D to this Resolution.

12 WHEREAS, the version of the Bernalillo County Animal Care Services Ordinance  
13 adopted and amended by this Commission during the February 26, 2013, administrative meeting  
14 contained ordinances where defined terms throughout the Ordinance were highlighted in italics  
15 as attached in Exhibit E.

16 WHEREAS, the version codified by the Municipal Code Corporation (Municode) of  
17 Tallahassee, Florida does not contain the defined terms in italics as contained in the version  
18 attached as Exhibit E. The Municode version is attached as Exhibit F.

19 WHEREAS, the clerical error of Municode dropping the italics from the body of the  
20 Bernalillo County Animal Care Services Ordinance results in a change of the form of the  
21 Ordinance that does not reflect the intent of this Commission.

**CONTINUATION PAGE 4, ADMINISTRATIVE RESOLUTION AR 2013-\_\_\_\_\_ TO  
CORRECTION CLERICAL MISTAKES IN THE ADOPTION OF AMENDMENTS TO THE  
BERNALILLO COUNTY ANIMAL CARE SERVICES ORDINANCE ON FEBRUARY 26,  
2013**

WHEREAS the version of the Bernalillo County Animal Care Services Ordinance adopted on February 26, 2013, with all defined terms italicized as in Exhibit C including the corrections contained in Exhibits A, B, C & D, shall be codified verbatim.

**NOW THEREFORE, BE IT RESOLVED THAT:** the Bernalillo County Board of County Commissioners corrects the clerical errors in its Animal Care Service Ordinance amendments during its February 26, 2013, administrative meeting as set forth above: specifically the codification of Exhibit E with the corrections contained in Exhibits A, B, C & D as the Bernalillo County Animal Care Services Ordinance.

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, **2013.**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Maggie Hart Stebbins, Chair

\_\_\_\_\_  
Debbie O'Malley, Vice Chair

\_\_\_\_\_  
Art De La Cruz, Member

\_\_\_\_\_  
Lonnie C. Talbert, Member

\_\_\_\_\_  
Wayne A. Johnson, Member

**APPROVED AS TO FORM:**

**CONTINUATION PAGE 5, ADMINISTRATIVE RESOLUTION AR 2013-\_\_\_\_\_ TO  
CORRECTION CLERICAL MISTAKES IN THE ADOPTION OF AMENDMENTS TO THE  
BERNALILLO COUNTY ANIMAL CARE SERVICES ORDINANCE ON FEBRUARY 26,  
2013**

1 \_\_\_\_\_  
2 County Legal  
3

4

5 ATTEST:

6 \_\_\_\_\_  
7 Maggie Toulouse Oliver  
8 County Clerk

Amendment No. \_\_\_\_\_

## 6-31 Definitions

*Adequate shelter* means provision of and access to shelter that is suitable for species, age, condition, size and type of each *animal*; provides adequate space for each *animal*; is safe and protects each *animal* from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each *animal* to be clean and dry, except when detrimental to the species.

(1) Shelter for *Companion Animals* shall consist of one of the following:

- (a) Inside the residence of the *animal's* owner.
- (b) A shelter that is an *enclosed* structure of appropriate dimensions for the breed and size of the animal, consisting of 4 sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.
  - i. The shelter shall be structurally sound and of solid construction with no cracks, open seams or holes and the entire structure shall be leak-proof.
  - ii. The shelter shall be maintained in good repair to protect the *animals* from injury.
  - iii. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
  - iv. The shelter shall contain suitable bedding as appropriate to species ~~and/or insulation~~ and suitable for the breed when the outdoor temperature is below 45 degrees unless the shelter is heated.
  - v. The shelter shall have adequate ventilation.
  - vi. The shelter shall be sufficient in size to allow each *animal* to stand up, turn around, lie down and stretch comfortably.
  - vii. The areas beneath a car, truck, mobile home or machinery do not qualify as shelter.
- (c) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the *animal* from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the *animal*.

(2) Shelter for *Livestock* shall also require that:

- (a) *Adequate shelter* for equines shall consist of, at minimum, two sides and a roof.
- (b) The shelter shall be sufficient in size to allow each *animal* to stand up, turn around, lie down, and stretch comfortably.

- (c) The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
- (d) The shelter shall contain suitable bedding as appropriate to species.
- (e) The Shelter shall have adequate ventilation.

(Ord. No. 2013- , )

Amendment No. \_\_\_\_\_

6-64 (e) Sale and Display of Animals

e. Sale of live *companion animals* at *pet shops* is prohibited unless the *pet shop* has an approved *Professional Animal site* permit. Sale of rabbits, cats or dogs in *pet shops* is prohibited.

(Ord. No. 2012- , -2013)

Exhibit 3

Amendment No. \_\_\_\_\_

#### 6-56A Care and Maintenance (Companion Animals)

Every *person* who owns or who has charge, care or custody of an *animal* shall comply with each of the following requirements:

- (1) Each *animal* shall be supplied *adequate food*, ~~adequate water~~ *adequate water* ~~accessible~~ and ~~adequate space to prevent overcrowding~~ *adequate space to prevent overcrowding*.
- (2) All *animals* are to be provided *adequate living area* and *adequate space to prevent overcrowding* and ~~sufficient space for adequate exercise~~ *adequate space for exercise*. All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- (3) No *animal* shall be left unattended for more than twenty-four hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- (5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the *animal* from adverse weather conditions. An *animal* shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No *animal* shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a *licensed veterinarian*.
- (6) The ~~owner~~ *owner* or custodian shall provide regular basic, necessary, and emergency professional veterinary care when needed. The ~~owner~~ *owner* or custodian shall take an *animal* to a *licensed veterinarian* within a time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.
- (7) All *animals* kept outdoors shall be provided with *adequate shelter*, accessible at all times, to the *animal*.

(Ord. No. 2013- , )

Exhibit #C

Amendment No. \_\_\_\_\_

#### 6-56B Care and Maintenance (Livestock)

Every person who owns or who has charge, care or custody of an *animal* defined under the ordinance as *livestock* shall comply with each of the following requirements:

- a. (1) Each *animal* shall be supplied an *adequate living area*, *adequate food*, ~~adequate water~~ *adequate water accessible*, and *adequate space to prevent overcrowding*.
- b. (2) All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- c. (3) No *animal* shall be without attention for more than twenty-four hours.
- d. (4) No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- e. (5) The *owner/responsible party* shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an *animal* to a *licensed veterinarian* within the time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.
- f. (6) All *livestock* primarily confined to one acre or less shall be provided with *adequate shelter*.
- g. (7) During the spring and summer, *animals* shall have easy access to sufficient shade to comfortably include all *animals* present.
- h. (8) Housing facilities for *animals* shall be structurally sound and shall be maintained in good repair to protect the *animals* from injury.

(Ord. No. 2013-\_\_\_\_, )

Exhibit D



BERNALILLO COUNTY CODE  
Chapter 6 - ANIMALS  
ARTICLE VIII. - PENALTIES

Ordinance 2013-6

**Chapter 6 - ANIMALS** <sup>[15]</sup>

<sup>(15)</sup> **Editor's note**— Ord. No. 99-4, adopted April 6, 1999, repealed former Ch. 6 and enacted provisions designated as a new Ch. 6 to read as herein set out in Ch. 6. Prior to inclusion of said ordinance, Ch. 6 pertained to similar subject matter. Subsequently, Ord. No. 2008-15, adopted December 9, 2008, amended Ch. 6, in its entirety, to read as herein set out. It should be noted that the provisions of Ord. No. 2008-15 become effective June 6, 2009. See also the Code Comparative Table.

<sup>(15)</sup> **Cross reference**— Health and sanitation, ch. 42.

<sup>(15)</sup> **State Law reference**— General authority relative to *animals*, NMSA 1978, §§ 4-37-1, 3-18-3; *animals* generally, NMSA 1978, § 77-1-1 et seq.

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION

ARTICLE III. - ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES

ARTICLE IV. - PERMITS REQUIRED

ARTICLE V. - OWNER'S DUTIES

ARTICLE VI. - PROHIBITED ACTIVITIES

ARTICLE VII. - WILD ANIMALS; CANINE HYBRIDS

ARTICLE VIII. - PENALTIES

**ARTICLE I. - IN GENERAL**

Secs. 6-1—6-29. - Reserved.

Sec. 6-30. - Short title and legislative intent.

Sec. 6-31. - Definitions

**Secs. 6-1—6-29. - Reserved.**

**Sec. 6-30. - Short title and legislative intent.**

a. This chapter shall be known and may be cited as the "Bernalillo County Animal Care Services Ordinance."

b. It is the intent of the board of county commissioners that enactment of this chapter will protect *animals* from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of *animals* as pets, will assist in providing housing for *animals* in a control center and will partially finance the *animal care services* department's functions of housing, licensing, enforcement and recovery. It is the intent of the board of county commissioners to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this chapter.

BERNALILLO COUNTY CODE  
Chapter 6 - ANIMALS  
ARTICLE VIII. - PENALTIES

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-31. - Definitions**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Abandon* means to leave an *animal* for more than 24 hours without making effective provisions for its proper feeding and care.

*Adequate food* means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each *animal* in good health; is easily accessible to each *animal*; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each *animal*; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the *animal*, but at least once daily, except as prescribed by a *licensed veterinarian* or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*Adequate living area* means *adequate space for exercise* suitable to the age, size, species and breed of *animal* and includes *adequate shelter* and *shade independent of shelter*.

*Adequate shelter* means provision of and access to shelter that is suitable for species, age, condition, size and type of each *animal*; provides adequate space for each *animal*; is safe and protects each *animal* from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each *animal* to be clean and dry, except when detrimental to the species.

- (1) Shelter for *Companion Animals* shall consist of one of the following:
  - (a) Inside the residence of the *animal's* owner.
  - (b) A shelter that is an *enclosed* structure of appropriate dimensions for the breed and size of the animal, consisting of 4 sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.
    - i. The shelter shall be structurally sound and of solid construction with no cracks, open seams or holes and the entire structure shall be leak-proof.
    - ii. The shelter shall be maintained in good repair to protect the *animals* from injury.
    - iii. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
    - iv. The shelter shall contain suitable bedding as appropriate to species and/or insulation suitable for the breed when the outdoor temperature is below 45 degrees unless the shelter is heated.
    - v. The shelter shall have adequate ventilation.
    - vi. The shelter shall be sufficient in size to allow each *animal* to

BERNALILLO COUNTY CODE  
Chapter 6 - ANIMALS  
ARTICLE VIII. - PENALTIES

stand up, turn around, lie down and stretch comfortably.  
vii. The areas beneath a car, truck, mobile home or machinery do not qualify as shelter.

(c) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the *animal* from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the *animal*.

(2) Shelter for *Livestock* shall also require that:

- (a) *Adequate shelter* for equines shall consist of, at minimum, two sides and a roof.
- (b) The shelter shall be sufficient in size to allow each *animal* to stand up, turn around, lie down, and stretch comfortably.
- (c) The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
- (d) The shelter shall contain suitable bedding as appropriate to species.
- (e) The shelter shall have adequate ventilation.

*Adequate space to prevent overcrowding* includes but is not limited to sufficient space to allow *animals* restrained together to be able to move freely, turn around and lie down without having to come into contact with another *animal* or the sides of the enclosure.

*Adequate space for exercise* for confined *animals* shall include but not be limited to provision within the *adequate living area* of space that enables the *animal* to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

*Adequate water* means constant access to a supply of unfrozen, *potable water*, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

*Animal* means any vertebrate member of the *animal* kingdom except humans.

*Animal care services* means the staff, facility, programs, shelter, lot, *premises*, and buildings maintained by the county for the implementation of the control and care of *animals*.

*Animal care services officer* means a Bernalillo County *Animal Care Services officer* or supervisor.

*Animal fighting paraphernalia* means equipment that any reasonable *person* would ascertain is used for *animal* fighting purposes which includes, but is not limited to: (1) instruments designed to be attached to the leg of a bird, such as a boxing gloves, knife, gaff, or other sharp instrument, (2) items to train and condition *animals* to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and (3) the presence of any *animal* that appears to be a fighting *animal* alone or together with *animals* suspected of being used as *bait animals* including but not limited to rabbits, cats, and other dogs.

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*Bait animal* is an *animal* used to train and/or condition other *animals* to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other *animals* used or trained to be used in fighting or to make the attacking *animal* more confident and aggressive.

*Bite* means an actual puncture or tear of the skin inflicted by the teeth of an *animal*.

*Bona fide animal* show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking,

*Breeder* means a *person* who keeps, maintains or harbors any intact dog or cat for the purposes of *breeding*.

*Breeding* means permitting, either intentionally or unintentionally, a female dog or cat to produce offspring.

*Canine hybrid* means:

1. Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or
2. An *animal* represented by its owner to an *animal care services officer*, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or
3. Any *animal* which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

*Companion Animal* means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot bellied pigs.

*Confinement* means detainment or isolation of an *animal*.

*County* means the area within the jurisdictional boundaries of the *County* of Bernalillo, including privately owned land, excluding the area within the limits of any incorporated municipality or within the jurisdiction of the United States Government or the State of New Mexico.

*County manager* means the *County Manager* of Bernalillo *County* or his or her *designated representative(s)*.

*Dangerous animal* means any of the following:

1. An *animal* which, when unprovoked, engages in behavior that requires a defensive action by a *person* to prevent bodily injury to a *person* or another *animal* which is off the property of the owner of the *animal* in question; or
2. An *animal* which, when unprovoked, injures a *person* in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or
3. An *animal* which, because of its poisonous sting or *bite*, would constitute a significant hazard to the public.

*Designee or designated representative* means the *animal care services director* or other appropriate staff.

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*Director* means the *Director* of the Animal Care Services Department of Bernalillo County.

*Enclosed* means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain *animals* within.

*Establishment* means a place of business together with its grounds and equipment.

*Grooming parlor* means an *establishment* or part thereof maintained for the purposes of performing cosmetological services for *animals*.

*Guard dog* means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard *livestock*.

*Household* means the collection of individuals, related or not, who reside at one street address.

*Kennel* means a commercial *establishment* operating for intended profit where dogs or cats are boarded, kept, or maintained.

*Kennel area* is a secure space within which an *animal* is housed that is of sufficient height and strength to contain the *animal* within and provide sufficient room for the *animal* to comfortably move around within the structure.

*Licensed veterinarian* means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

*Livestock* means horses, cattle, pigs, sheep, goats, fowl, or any other domestic *animals* typically used in the production of food, fiber, or other products or activities defined by the *county manager* as agricultural.

*Multiple Animal Site* means any property where the number of dogs or cats owned, harbored or kept exceeds the number of *animals* allowed in Sec 6-42 of this ordinance and are not otherwise included within the definition of *professional animal site* or *shelter site*.

*Owner/Responsible Party* means a *person* 18 years of age or older or the parent or guardian of a *person* under 18 years of age who owns, harbors, keeps an *animal*, has one in his care, or permits an *animal* to remain on or about the *premises* owned or controlled by him.

*Person* means an individual, *household*, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

*Pet shop* means any *premises*, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of *animals* of any type, except the term shall not apply to *premises* used exclusively for the sale of *livestock*.

*Potable Water* means water that can be consumed without concern for adverse health effects.

*Premises* means a parcel of land and the structures thereon.

*Professional animal site* means any *kennel*, *grooming parlor*, or *pet shops*, with the exception of sites solely dedicated to *livestock*, state inspected veterinary hospitals and federally inspected laboratory

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facilities and zoos.

*Qualified assistance animal* means:

1. A dog trained or being trained by a recognized school for training dogs to assist *persons* with disabilities; or
2. An *animal* recognized as a service *animal* pursuant to the Americans with Disabilities Act of 1990; or
3. Any other *animal* approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a *person* with a disability.

*Quarantine* means detention and isolation of an *animal* in order to observe for rabies.

*Rabbit* as used in this ordinance may be either a *companion animal* or *livestock*.

*Research facility* means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in § 30-18-1 NMSA..

*Shade Independent of Shelter* includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or man-made structures that permit *animals* to be sheltered from direct sunlight in a manner that provides *adequate space to prevent overcrowding*.

*Shelter Facility* means a non-profit *animal* facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of *animals* allowed in Sec 6-42 or this ordinance.

*Shelter Site* means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of *animals* allowed in Sec 6-42 of this ordinance.

*Show animal* means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the *county manager*, and which is involved in *bona fide animal* shows.

*Sterilized* means to be rendered permanently incapable of reproduction.

*Stray* means an *animal* found running at large.

*To run or running at large* means any *animal* free from physical restraint beyond the boundaries of the owner's *premises*.

*Vaccination* means protection provided against rabies by inoculation with a vaccine as required by § 77-1-3 NMSA 1978 (1993 Repl.).

*Vicious animal* means an *animal* which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a *person* or domesticated *animal*. *Vicious animal* does not include an *animal* which *bites*, attacks or injures a *person*



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or *animal* that is unlawfully upon its owner's *premises*. The provocation of an *animal* by a *person* is an affirmative defense to a charge of keeping or harboring a *vicious animal*.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09; Ord. No. 2011-7, 4-12-11)

## ARTICLE II. - ADMINISTRATION

Sec. 6-32. - Rules and regulations.

Sec. 6-33. - Procedures for complaints.

Sec. 6-34A - Procedure for county manager and animal care services officers.

Sec. 6-34B - Waivers.

Sec. 6-35. - Fees.

Sec. 6-36. - County animal care services facilities.

### Sec. 6-32. - Rules and regulations.

Reasonable rules and regulations may be prescribed by the *county manager* to carry out the intent and purpose of this chapter, pursuant to standards created by this chapter. The *county manager* may delegate his powers to the *director* as he may deem expedient. The *director* may delegate such powers to the duly appointed *animal care services officers* as he may deem expedient. An *animal care services officer* shall wear a uniform and shall carry appropriate identification. Identification is to be surrendered to the county upon cessation of employment.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

### Sec. 6-33. - Procedures for complaints.

A complaint alleging any violation of this chapter may be filed with the *animal care services* department by a *person* who has personal knowledge of such violation and who can identify the owner of the *animal* involved or the *premises* where the *animal* is located. The *county manager* may require the complainant to provide his name and address and swear to and affirm the complaint.

It is unlawful for any *person* to intentionally make a report to the *county manager*, which that *person* knows to be false at the time of making it, alleging a violation by another *person* of any violation of the Bernalillo County Animal Care Services Ordinance.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

### Sec. 6-34.A - Procedure for county manager and animal care services officers.

a. The *county manager*, *director* and *animal care services officers* shall have the authority, and are directed to investigate upon probable cause, any alleged violation of this chapter or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to *animals*.

b. *Animal care services officers* are authorized to inspect *premises* as necessary to perform their duties. If the owner or occupant of the *premises* objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to

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believe that there is an emergency requiring such inspection or investigation.

c. Whenever the *county manager* has probable cause to believe that a *person* has violated this chapter, the *county manager* may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the *person* violating this chapter, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such *person* allegedly committed the violation, and the location where such *person* shall appear in court and the deadline for appearance. The *county manager* shall present the citation to the *person* he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The *county manager* shall deliver a copy of the citation to the *person* promising to appear.

d. If the alleged violator refuses to give his written promise to appear, the *county manager* shall prepare a criminal complaint with the Bernalillo County Metropolitan Court.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-34B. - Waiver.**

a. The county manager shall have the authority to grant waivers.

b. Any person seeking a waiver pursuant to this ordinance shall file a written application with the county manager. The written application shall contain information which describes the ordinance section for which a waiver is requested and the reason for the waiver.

c. In determining whether to grant or deny the application, the county manager shall balance the hardship to the applicant, the community and other persons of not granting the waiver against the potential adverse impact on the animals and residents affected.

d. Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and subject the person holding it to those provisions of this chapter.

e. Any person seeking a waiver shall indicate in his or her application to the county manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

**Sec. 6-35. - Fees.**

Fees for licenses and permits required pursuant to this chapter shall be established and adopted through resolution by the board of county commissioners.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-36. - County animal care services facilities.**

a. There are established one or more county *animal care services* facilities which shall be located in such numbers and at such sites as shall be designated by the board of county commissioners.

b. The *animal care services* facilities shall be operated to provide service to the general public during the hours set by the *county manager*.



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c. Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and subject the person holding it to those provisions of this chapter.

d. Any person seeking a waiver shall indicate in his or her application to the County manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

(Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

### ARTICLE III. - ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES

Sec. 6-37. - Impounding animals.

Sec. 6-37A. - Seizure of animals, excluding livestock.

Sec. 6-37B. - Seizure of livestock.

Sec. 6-38. - Retention of strays or owner-surrendered animals.

#### Sec. 6-37. - Impounding animals.

a. An *animal care services officer* may take up and impound in any designated *animal care services* facility a *stray* or any *animal* kept or maintained contrary to the requirements of this chapter.

1. The *animal* may be confined in accordance with the facilities regulations.
2. The *owner/responsible party* shall be responsible for all impound fees, boarding fees, and other costs whether or not the *animal* is reclaimed.
3. An unsterilized *animal* reclaimed by its owner shall be released without being *sterilized* upon payment of at least \$25.00 for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the *animal* within 30 days after release or will obtain a *breeder* permit, intact permit, or its equivalent.
4. Any *stray* which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.

b. An *animal care services officer* may take up and impound in any designated *animal care services* facility a *stray* or any *livestock* kept or maintained contrary to the requirements of this chapter.

1. The *owner/responsible party* shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.
2. The *animal care services* department may require inspection of enclosures for *livestock* and the living conditions of *animals* kept outdoors prior to reclaim.
3. The *county manager* is hereby authorized to place for adoption unclaimed *livestock* that has been impounded by the county and to execute adoption papers to the purchaser at the end of a ten-day

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waiting period.

- (a) Adoption of large *livestock* may be done after submitting a sealed bid to the *animal care services* department.
  - (b) Adoption of small livestock may be done after paying an adoption fee to the *animal care services* department.
  - c. The *director* shall maintain, for a reasonable period of time or as required by statute, a record of all *animals* impounded. At least the following information shall be included:
    - 1. A complete description of the *animal*;
    - 2. The manner and date of its acquisition;
    - 3. The date, manner, and place of impoundment;
    - 4. The impoundment number;
  - d. Owners requesting removal of an *animal* shall be required to sign an owner's release at the time of impoundment.
  - e. If a *stray animal* is not wearing a current rabies tag and is deemed critically injured or critically ill an *animal care services officer* may deliver the *animal* to a *licensed veterinarian* for euthanization. A report must be filed with the *county manager*.
  - f. Whenever the *county manager* finds that any *animal* is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or *person* responsible for the care of such *animal*, the *county manager* may take up such *animal* for protective care. The owner of the *animal* may reclaim the *animal* after paying all required fees and costs imposed by the impound facility. If the *animal* is unclaimed at the end of the protective custody period, the *animal* may be humanely destroyed or otherwise disposed of by the impound facility.
- (Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Sterilization agreement and sterilization deposit required, NMSA 1978, § 77-1-20.

**Sec. 6-37A. - Seizure of animals, excluding livestock.**

- a. A peace officer or *animal care services officer* who reasonably believes that the life or health of an *animal* is endangered due to violation of any provision in this chapter may apply to the district court, magistrate court, or the metropolitan court for a warrant to seize the *animal(s)*.
- b. If the court finds probable cause that the *animal's* life or health is endangered as a result of the violation of any provision of this chapter, the court shall issue a warrant for the seizure of the *animal*. The court shall also schedule a hearing on the matter as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time.

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c. Written notice regarding the time and location of the hearing shall be provided to the owner of the seized *animal*. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

d. If the owner of the *animal* cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the *animal* is seized at the time the seizure occurs.

(Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Seizure of Animals, NMSA 1978, § 30-18-1.1 (1999)

**Sec. 6-37B. - Seizure of livestock.**

a. A peace officer or *animal care services officer* who reasonably believes that the life or health of *livestock* is endangered because of the violation of any provision in this chapter may apply to district court, magistrate court, or the metropolitan court for a warrant to seize the allegedly endangered *livestock*.

b. On a showing of probable cause to believe that the life and health of *livestock* is endangered as a result of the violations of any provision of this chapter, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those *livestock* allegedly being kept in a manner that their life or health is endangered. The *animal care services* department shall establish procedures for preserving evidence of violations of this chapter.

c. The court executing the warrant shall notify the *animal care services* department, have the *livestock* impounded, and give written notice to the owner of the *livestock* of the time and place of the court hearing.

d. After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the *livestock* by violating any provision contained in the chapter, the court shall order the impoundment of the *livestock* until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this chapter, the court shall order the *livestock* returned to the owner.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** *Livestock code*, NMSA 1978, § 77-18-2 (1999)

**Sec. 6-38. - Retention of strays or owner-surrendered animals.**

a. No *person* shall, without the knowledge and consent of the owner, hold or retain possession of any *animal* for more than 24 hours without first reporting the possession of the *animal* to the *animal care services* department.

1. The report shall contain the *person's* name and address, a true and complete statement of the circumstances under which he took up the *animal*, and the precise location where the *animal* is confined.

2. No *person* having such an *animal* in his possession shall refuse to immediately surrender the

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*animal to an animal care services officer upon demand.*

3. Any *stray animal* identified by microchip or any other identification must be called into the Animal Care Services Department.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

#### ARTICLE IV. - PERMITS REQUIRED

Sec. 6-39. - General provisions.

Sec. 6-39A. – Site Permit Requirements.

Sec. 6-39B. – Breeder Permit.

Sec. 6-39C. – Litter Permit

Sec. 6-39D. – Requirements for Sale of Offspring.

Sec. 6-39E. – Guard Dog

Sec. 6-39F. – Intact Animal Permit.

##### **Sec. 6-39. - General provisions.**

a. Valid permits are required to operate a *Multiple Animal Site*, *Professional Animal Site*, or *Shelter Site*, breed dogs or cats, have a litter of dogs and cats, possess a *guard dog* or possess an intact dog or cat that has been impounded as a *stray*. A *person* may obtain a permit under the following conditions:

1. Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at the office of the *Animal Care Services Department*. Failure to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.

2. *Multiple Animal Site*, *Professional Animal Site* and *Shelter Site* permits require a demonstration of a certification of zoning and land use from the Bernalillo County Zoning Department.

3. Upon presenting proper identification and with notice, an *animal care services officer* shall be allowed access to any *Multiple Animal Site*, *Professional Animal Site* or *Shelter Site* for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

4. Permits must be posted in a conspicuous place on the permitted *premises* and are nontransferable.

5. All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Bernalillo County Business License Ordinance.

##### **Sec. 6-39A. –Site Permit Requirements**

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1. *Multiple Animal Sites, Shelter Sites and Professional Animal Sites* are required to meet all other provisions of the Bernalillo County *Animal Care Services Ordinance* and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.
2. The *kennel area* shall be kept clean and sanitary in a way that protects *animals* from disease and injury. *Animals* shall be protected from cleaning agents during cleaning. Provisions shall be made to remove *animal* and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this ordinance. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.
3. *Kennel area* buildings and fences shall be structurally sound and kept in good repair to keep *animals* clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state and county regulations and kept in good repair.
4. Fresh air in *kennel area* buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.
5. Each *animal* shall be kept in compatible groups and have *adequate space to prevent overcrowding*. *Kennel areas* holding cats must contain an adequate number of litter boxes.
6. All animals housed in the *kennel area* shall be provided with an *adequate living area*.
7. Unsterilized female *animals* shall be segregated when in estrous except for *breeding* purposes.
8. Each *animal* shall be observed daily by the *person* named on the permit or his/her *designee*. Any *animal* in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured *animals* shall be segregated from other *animals* based on veterinary recommendations to prevent disease spread or further injury.
9. Insects, parasites and rodents shall be controlled.
10. A valid rabies certificate signed by a *licensed veterinarian* shall be present for each dog and cat housed at the *kennel* facility.
11. Records of *animal* inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an *animal care services officer*.

#### **Sec. 6-39B. – Breeder Permit**

- a. No *person* shall keep, maintain or harbor any intact dog or cat for the purposes of *breeding* without a *Breeder Permit*. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.
- b. A female dog or cat shall have no more than one litter in any consecutive 12 month period.
- c. Upon presenting identification and with notice an *animal care services officer* shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

#### **Sec. 6-39C. – Litter Permit**

- a. The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a *Breeder Permit* is required to obtain a Litter Permit for each litter.
- b. Subsequent to the issuance of a Litter Permit, the permitted *animal* shall be *sterilized* within 120

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days of the issuance of the litter permit.

**Sec. 6-39D. – Requirements for Sale of Offspring**

- a. No *person* shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or *breeder* permit number to any potential recipient upon request.
- b. Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or *breeder* permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this chapter.

**Sec. 6-39E. – Guard Dog Permit**

- a. No *person* shall use a *guard dog* without a valid permit. A *person* may obtain a *guard dog* permit under the following conditions:
  1. Submission of an application which shall include sufficient information to identify the name and address of the owner of the commercial property and the name and address of the owner of the *guard dog*, and payment of an annual *guard dog* permit fee at the office of the *Animal Care Services* Department; and
  2. *Guard Dog* permit holders are required to meet all other provisions of the Bernalillo County *Animal Care Services* Ordinance and the area where the *guard dog* is to be used shall be secured in such a manner as to prevent its escape.
    - (a) The doors, windows, and all openings to the outside of a building in which a *guard dog* is on duty shall be secured to prevent its escape.
    - (b) An outdoor property holding a *guard dog* shall be completely *enclosed* by a fence at least six feet in height and shall effectively contain the *animal* at all times.
- b. The property using a *guard dog* shall be posted with warning signs at least 12 inches long on each side.
  1. The warning signs shall state "*guard dog*" and "guardia" and shall show a picture of an aggressive dog.
  2. The warning signs shall be posted not more than 200 feet apart on the exterior of the fences and walls surrounding the property and shall be posted at all exterior corners of the site and at every entrance to the site.
- c. A *guard dog* shall have a current rabies tag and a valid license tag securely affixed to its collar or harness.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-39F. - Intact animal permit.**

- a. Any *person* having a *stray* unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact *animal* permit or have the *animal* *sterilized* within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof that they possess a current county license and rabies *vaccination* for the *animal*. The permit will be renewed annually until



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proof of sterilization has been provided to the *Animal Care Services* Department.

b. Any *animal* found running at large twice shall be *sterilized* within 30 days of the second offense.

c. An intact *animal* permit is required to keep a dog or cat exempt from being *sterilized* as mandated by applicable law when released prior to impound from an *animal* shelter.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

## ARTICLE V. - OWNER'S DUTIES AND PROHIBITED ACTIVITIES

- Sec. 6-40. - Animals biting persons.
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- Sec. 6-56a. - Care and maintenance – Companions animals.
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- Sec. 6-57. - Confinement of female dogs or cats in mating season.
- Sec. 6-58. - Cruelty to animals.
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- Sec. 6-60. - Fowl; impounding or crating.
- Sec. 6-61. - Hobbling.
- Sec. 6-62. - Interference with the county manager in the performance of his duties.
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- Sec. 6-64. - Sale and display of animals.
- Sec. 6-65. - Sterilization agreements/contracts.
- Sec. 6-66. - Unlawful use of rabies tag.
- Sec. 6-67. - Vicious or dangerous animals.

### Sec. 6-40. - Animals biting persons.

- a. The owner of an *animal* that *bites* a *person* and a *person* bitten by an *animal* shall report that occurrence to the *animal care services* department within 24 hours of the occurrence. The owner of an *animal* that *bites* a *person* shall surrender said *animal* to an *animal care services officer* if the *officer*

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deems it necessary to impound said *animal* for a period of *quarantine* no less than 10 days from the day of the *bite*.

b. A physician who renders professional treatment to a *person* bitten by an *animal* shall report to the *county manager* that he has rendered professional treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the *person* bitten as well as the type and location of the *bite*. The physician shall report the name and address of the owner of the *animal* that inflicted the *bite*, if known, and any other facts or details that may assist the *animal care services* in ascertaining the immunization status of the *animal*.

c. An *animal* that *bites* a *person* shall be confined securely at a place and for a period of time deemed necessary by the *animal care services officer*. The owner of the *animal* shall bear the cost of *confinement*.

d. If the owner is unwilling or unable to *quarantine* the *animal*, the *animal care services officer* may impound the *animal* into protective custody for the period of the *quarantine* and the owner shall pay all related costs of the impoundment prior to reclaiming the *animal*.

e. The *animal care services officer* may consent to *quarantine* the *animal* on the owner's *premises*. The *premises* where the home *quarantine* is to occur shall be inspected and approved for such purpose by the *animal care services officer*. The owner of the *animal* shall be required to enter into an indemnity agreement on a form approved and prescribed by the *county manager* for such home *quarantine*.

f. If the *animal* shows signs of sickness, abnormal behavior, or if the *animal* escapes *quarantine*, the *person* having custody of the *animal* shall immediately notify the *animal care services* department. The *person* having custody of an *animal* that dies during the *quarantine* period shall notify the *animal care services* department and surrender the carcass of the *animal* to an *animal care services officer*.

g. It is unlawful to violate the conditions of *quarantine*. If an *officer* deems it necessary to impound an *animal* for *quarantine* for violation of the above conditions and/or severity of the *bite*, the owner cannot remove the *animal* from observation until the *quarantine* period is complete. The owner shall bear the cost of the impoundment.

h. It is unlawful for a *person* to keep an *animal* reported to have bitten any *person* on two unprovoked separate incidents. The owner has a duty to destroy said *animal* humanely or surrender such an *animal* to the *animal care services* department for proper humane euthanization.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-41. - *Animal* license.**

a. It is unlawful for any *person* to own or harbor a dog, cat, or ferret over the age of three months without obtaining a license for such *animal*. *Persons* who are not county residents and who keep such an *animal* in the county for less than 30 consecutive days shall be exempt from this license requirement.

b. Applications for licenses shall be made on forms provided by the *animal care services* department. All applications shall include the name of the legal owner of the *animal*, the mailing address and physical address of the owner. It is unlawful for any *person* to knowingly falsify information concerning *animal* ownership, the owner's address, *animal* description, or any other information required on the application.



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- c. Licenses shall be purchased for one year. A three-year license may be purchased for a dog, cat, or ferret if the *animal* has a current three-year rabies certificate, which is good for at least two-thirds of the licensing period. A one-year or three-year license must be renewed upon its expiration date. Failure to renew the license within 30 days of the expiration date shall result in the assessment of a penalty fee in addition to the cost of the license.
- d. A current rabies certificate must be presented at the time of applying for a license.
- e. Pet identification is mandatory. The method of identification shall include a microchip.
- f. The current license tag shall be securely affixed to the collar or harness which shall be worn by a dog, cat or ferret unless the animal is being housed in a *kennel* or veterinary hospital, or appearing in a *bona fide* animal show, or is being trained; provided, however, that the *person* who is training the *animal* shall have in his personal possession proof of a valid license for each *animal* and shall immediately display the license upon request by the *animal care services* department.
- g. Identification methods must be kept up to date and current with owner information.
- h. License tags shall not be transferred from *animal* to *animal*.
- i. Proof of qualification for a license for a *sterilized animal* can only be made with a written certification from a *licensed veterinarian* stating that the *animal* has been neutered or spayed.
- j. The license fee shall not apply to qualified service *animals*. All other licensing requirements shall apply.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-42. - Number of *animals* allowed.**

- a. No *person* or *household* shall own, harbor or keep more than a combined total of four dogs, cats or any combination thereof over the age of three months without, *multiple animal site* permit, or shelter permit.

- 1. A *household* may have up to six dogs, ~~or~~ cats or any combination thereof provided that all of the *animals* shall be *sterilized* without a *multiple animal* permit or shelter permit.

(a) For number of *animal* (section 6-44(a)(1)) purposes a medical waiver certificate may be acceptable in cases when the sterilization of an *animal* would pose a substantial threat to the health of the *animal*. The certificate shall be on official letterhead from a *licensed veterinarian* and shall contain the name and address of the owner of the *animal*, a description of the *animal*, the medical condition prohibiting sterilization, and the date upon which the *animal* may be *sterilized*. A medical waiver certificate must be resubmitted annually. This does not waive the unsterilized license fee.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

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**Sec. 6-43. - Restraint of Animals.**

a. A *person* owning or having charge, custody, care, or control over a *companion animal*, shall keep the *animal* upon his or her own *premises* within a secure *enclosed* pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a *companion animal* as a form of *confinement*.

1. Fixed point tethering of any *companion animal* to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another *animal* and only when the owner is immediately present.

2. A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the *person* with the dog is capable of controlling the dog. All other *animals* must be secured in a fashion acceptable for the species of *animal*. A *person* physically capable of controlling and restraining the *animal* must exercise immediate custody. This section does not apply when an *animal* is participating in a *bona fide animal* show authorized by the county or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09; Ord. No. 2011-7, 4-12-11)

**State law reference—** Authority to prohibit the running at large of *animals*, NMSA 1978, §§ 4-37-1, 3-18-3(A)(2), 77-1-12; Dangerous Dog Act, NMSA 1978, §§77-1A-1 to 77-1A-6.

**Sec. 6-44. - Vaccinations.**

a. It is the duty of any *person(s)* owning or keeping a dog, cat, or domestic ferret over the age of three months to have the *animal* vaccinated against rabies as prescribed by § 77-1-3 NMSA 1978 as amended. The *county manager* may require that other *animals* have annual rabies vaccines.

b. The veterinarian administering anti-rabies vaccines to any *animal* shall issue the owner or keeper of the *animal* a numbered *vaccination* certificate. The certificate shall contain the name and address of the owner of the *animal*, a description of the *animal* vaccinated, the date of *vaccination*, and the date immunity expires and the microchip number.

c. The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number. A current rabies tag shall be affixed by the owner or keeper to a collar or harness worn by the *animal* at all times unless the *animal* is being kept in an approved *kennel* or veterinary hospital, is being trained by a professional trainer or is appearing in an approved show.

d. It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of *vaccination* upon demand by the *county manager*. This subsection does not apply to any *animal* under control of the Albuquerque Municipal Zoo or shelters.

e. For licensing purposes a medical waiver certificate may be acceptable in cases when the rabies *vaccination* of an *animal* would pose a substantial threat to the health of the *animal*. The certificate shall be on official letterhead from a *licensed veterinarian* and shall contain the name and address of the owner

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of the *animal*, a description of the *animal*, the medical condition prohibiting *vaccination*, and the date upon which a *vaccination* may be given. A medical waiver certificate must be resubmitted annually.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Cross reference—** Health and Sanitation, Ch. 42.

**State law reference—** Rabies Control Generally, NMSA §§ 77-1-5, 77-1-6, 77-1-10.

**Sec. 6-45. - Abandonment.**

It is unlawful for a *person* to *abandon* an *animal*. Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harbinger, keeper, holder or possessor of such cats.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-46. - Admission of qualified assistance animals to public places.**

Notwithstanding any other provision of law, a *qualified assistance animal* shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the *qualified assistance animal* is under the control of a *person* with a disability or a trainer of assistance *animals*. No *person* shall be required to pay any additional charges for his *qualified assistance animal*, but shall be liable for any damage done by his *qualified assistance animal*.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Similar provisions, NMSA 1978, §§ 28-11-2 through 28-11-4.

**Sec. 6-47. - Animals disturbing the peace.**

a. It is unlawful for a *person* to allow an *animal* to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the county.

b. It is unlawful to keep or maintain an *animal* in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Cross reference—** Noise by *animals* and fowl, § 30-20-1; offenses against public peace and order.

**Sec. 6-48. - Animals killing or injuring livestock or protected wildlife.**

a. It is unlawful for a *person* to keep an *animal* known to have killed or injured *livestock* or protected wildlife. The owner has a duty to destroy said *animal* humanely or surrender such an *animal* to the *animal care services* department for proper humane euthanization upon the order of the court.

b. An owner of *livestock* shall have the right to kill an *animal* that has injured or killed *livestock* or

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protected wildlife while it is upon property controlled by the owner of the *livestock*.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Dogs Killing or Injuring *Livestock*, NMSA 1978 § 77-1-2.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

Sec. 6-49. – Reserved

(Ord. No. 2012- , 11-27-12, eff. 5-26-13)

**Sec. 6-50. - Animal poisoning.**

a. It is unlawful for a *person* to make accessible to any *animal*, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.

b. This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-51. - Animals running at large.**

a. It is unlawful for a *person* to allow or permit any *animal* to run at large in or on any alley, street, sidewalk, vacant lot, public property, other *unenclosed* place in the county, or private property without the permission of the property owner.

b. An *animal* permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such *animal* may be taken up and impounded. An *animal care services officer* may go upon private property in pursuit of an *animal* which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An *officer* may not enter a private building or residence in pursuit of an *animal*.

c. A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

d. It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any *animal* to run at large upon the common areas of the multiple dwelling unit.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-52. - Injury to animals by motorists.**

Every operator of a motor or self-propelled vehicle upon the streets and ways of the county shall immediately upon injuring, striking, maiming or running down any *animal* provide immediate notification

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to the *county manager*, furnishing sufficient facts relative to the incident. Such *animal* shall be deemed an uncared for *animal* within the meaning of section 6-37(e) of this chapter. Emergency vehicles are excluded from this provision.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-53. - Animals transported in vehicles.**

- a. It is unlawful for a *person* to carry an *animal* in or upon any vehicle in a cruel, inhumane, or unsafe manner. *Animals* carried in the open bed of a truck must be in a crate that is securely fastened to the truck.
- b. If an *animal care services officer* determines that an *animal* in a closed vehicle is in immediate danger of serious injury or death, the *officer* may enter the vehicle, by whatever means necessary, and impound the *animal* into protective custody.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-54. - Animal waste.**

It is unlawful to permit a *companion animal* to defecate on public or private property other than the property of the owner of the *animal* unless such *animal* waste is immediately removed and properly disposed of by the *person* having custody of the *animal*.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-55. - Breaking into animal care services facilities or vehicles.**

It is unlawful for a *person* to break into any *animal* center, facility, or vehicle wherein *animals* are impounded, or to in any manner remove or assist in the removal of any *animal* or equipment from such.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-56a. - Care and maintenance. (Companion Animals).** Every *person* who owns or who has charge, care or custody of an *animal* shall comply with each of the following requirements:

- (1) Each *animal* shall be supplied *adequate food*, adequate water accessible and adequate space to prevent overcrowding
- (2) All *animals* are to be provided *adequate living area* and *adequate space to prevent overcrowding* and sufficient space for adequate exercise. All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- (3) No *animal* shall be left unattended for more than twenty-four hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- (5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the *animal* from adverse weather conditions. An *animal* shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No *animal* shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a *licensed veterinarian*.
- (6) The owner or custodian shall provide regular basic, necessary, and emergency professional

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veterinary care when needed. The owner or custodian shall take an *animal* to a *licensed veterinarian* within a time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.

(7) All *animals* kept outdoors shall be provided with *adequate shelter*, accessible at all times, to the *animal*.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09; Ord. No. 2010-5, 2-23-10, eff. 3-25-10; Ord. No. 2011-7, 4-12-11)

**Sec. 6-56b. - Care and maintenance. (Livestock).** Every person who owns or who has charge, care or custody of an *animal* defined under the ordinance as *livestock* shall comply with each of the following requirements:

- a. Each *animal* shall be supplied an *adequate living area*, *adequate food*, adequate water accessible and *adequate space to prevent overcrowding*.
- b. All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- c. No *animal* shall be without attention for more than twenty-four hours.
- d. No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- e. The *owner/responsible party* shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an *animal* to a *licensed veterinarian* within the time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.
- f. All *livestock* primarily confined to one acre or less shall be provided with *adequate shelter*.
- g. During the spring and summer, *animals* shall have easy access to sufficient shade to comfortably include all *animals* present.
- h. Housing facilities for *animals* shall be structurally sound and shall be maintained in good repair to protect the *animals* from injury.

**Sec. 6-57. - Confinement of female dogs or cats in mating season.**

- a. A *person* in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female *animal*, except for intentional *breeding* purposes.
- b. It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-58. - Cruelty to animals.**

- a. It is unlawful for a *person* to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any *animal*, except that reasonable force may be used to drive off vicious, dangerous or trespassing *animals*.



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b. It is unlawful for a *person* to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an *animal* in an *enclosed* environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an *animal*, or otherwise endanger an *animal's* well-being. Procedures completed by a *licensed veterinarian* in accordance to their standard practices shall not be considered cruelty.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-59. - Fights.**

a. It is unlawful for a *person* to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more *animals* are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other *animal*.

1. It is unlawful for any *person* to sell, receive, possess, transport, loan, or give away any *animal fighting paraphernalia*.

2. It is unlawful for any *person* to raise, train, condition, sell, receive, possess, transport, loan, or give away *animals* for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of Bernalillo County.

3. No *person* shall provoke or entice an *animal* from the property of its owner for the purpose of engaging the *animal* in an *animal* fight.

b. Nothing in this section shall prohibit a *person* from engaging in legal hunting practices as allowed by state wildlife authorities.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Dog Fighting and Cockfighting, NMSA 1978 § 30-18-9.

**Sec. 6-60. - Fowl; impounding or crating.**

It is unlawful for a *person* to confine any wild or domestic fowl or birds unless provisions are made by such *person* for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No *person* shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-61. - Hobbling.**

a. It is unlawful for any *person* to hobble, tether, or stake *livestock* or other *animals* by any means which may cause injury or damage to said *animal*.

b. It is unlawful for any *person* to hobble, tether, or stake *livestock* or other *animals* so that they become entangled or are prevented access to any and all care and maintenance items required by section 6-58 of this chapter.

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(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-62. - Interference with the county manager in the performance of his duties.**

- a. No *person* shall attack, assault or in any way threaten or interfere with the *county manager* in the performance of the duties required by this chapter.
- b. No *person* shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an *animal care services officer* in the legal performance of his or her duties.
- c. No *person* shall interfere with or tamper with any equipment used by *animal care services officers*, including release of *animals* contained in such equipment.
- d. No *person* shall engage in conduct that would agitate, obstruct, oppose, or distract an *animal care services officer* in the legal performance of his or her duties.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-63. - Keeping a seriously sick or injured animal.**

- a. It is unlawful for a *person* to have, keep or harbor an *animal* which is seriously sick or injured, including starvation, without providing proper veterinary care.
- b. The *county manager* may require the owner to provide a letter of health evaluation from a *licensed veterinarian* describing the condition of the *animal* and the treatment provided. The *animal care services* department may utilize a standard body scoring system to evaluate the condition of an *animal*.
- c. In the absence of proper veterinary care, the *county manager* may impound such a seriously sick or injured *animal* in accordance with the provisions of this chapter.
- d. Any such *animal* impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-64. - Sale and display of animals.**

- a. A *person* shall only sell, offer for sale, barter, give away or otherwise dispose of an *animal* at the physical address listed on the appropriate permit issued by the *county manager*. Shelters shall be allowed off-site adoption events, with permission of site owner and while preserving appropriate care and maintenance of *animals*.
- b. No *person* shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.
- c. No *person* shall offer an *animal* as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.



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d. *Animal exhibits.*

1. No *person* shall operate, conduct, or maintain a permanent or temporary commercial *animal* show, circus, *animal* exhibition, *animal* ride, petting zoo or carnival without first having obtained a permit from the *animal care services* department. Conditions for permit approval include provisions for the humane care and treatment of the *animals* and the protection of public safety. Permits shall not be issued upon verification that the applicant has been convicted of charges of *animal* cruelty, abuse, or neglect, or has violated the Federal *Animal Welfare Act*.

2. No *person* shall operate, conduct or maintain any *animal* exhibit under conditions that pose a danger to the public or the *animals*. Specific requirements shall be available upon request to the *animal care services* department.

3. The following are exempt from the requirements of this section:

(a) Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.

(b) Events sponsored by a municipal zoo or aquarium facility.

(c) Competitive sporting events.

4. *Persons* involved in these exempt activities shall comply with all other applicable sections of this chapter.

e. Sale of live *companion animals* at *pet shops* is prohibited unless the *pet shop* has an approved *Professional Animal site* permit. Sale of cats or dogs in pet shops is prohibited.

f. The sale of *rabbits* for purposes other than as a *companion animal*, which are not otherwise prohibited under this ordinance, is allowed. There shall be a seasonal exception for the sale of live *rabbits* in all pet shops, feed stores, and bait shops during the months of March and April.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-65. - Sterilization agreements/contracts.**

It shall be unlawful for a *person* to possess any unsterilized *animal* when such *animal* is required to be *sterilized* under the terms of any applicable sterilization agreement or contract.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-66. - Unlawful use of rabies tag.**

It is unlawful for any *person* to remove or transfer any rabies tag from one *animal* to another. It is unlawful for any *person* to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged *animal* license tag, rabies tag, *vaccination* certificate or other form of licensing or permitting required under this chapter.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

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**Sec. 6-67. - Vicious or dangerous animals.**

a. It is unlawful for any *person* to keep or harbor a *vicious animal*. When an *animal care services officer* has probable cause to believe that an *animal* is vicious, the *officer* may take up and impound the *animal* into protective custody awaiting appropriate court proceedings. Following judicial determination that an *animal* is vicious, the court having jurisdiction over the enforcement of this chapter, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such *vicious animal* to destroy it humanely or turn such *animal* over to the *county manager* or for destruction.

b. It shall be unlawful to maintain a *dangerous animal* in a manner which constitutes a threat to any *person* or other *animal*.

c. Any dog that is deemed dangerous by admission of owner or by court determination shall register the dog with *animal care services* by obtaining a dangerous dog permit. The owner shall comply with all registration and handling requirements as listed in the New Mexico State Statute 77-1A-5.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** *Vicious Animals*, NMSA 1978 §77-1-10)

**ARTICLE VII. - WILD ANIMALS; CANINE HYBRIDS**

Sec. 6-68. - Wild animals.

Sec. 6-69. - Canine hybrids.

**Sec. 6-68. - Wild animals.**

a. It shall be unlawful for a *person* to own, harbor, keep or exhibit on any private or public property in the county any wild *animal* of a species that in its natural life is dangerous or ferocious. Such *animals*, though they may be trained and domesticated, remain a danger to others, and include:

1. Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.
2. Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.
3. All bears (ursidae), including grizzly bears, black bears, brown bears, etc.
4. Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.
5. Primates (hominidae), including all non-human great apes other than qualified service *animals*.
6. Skunks.
7. Bats.
8. Non-indigenous poisonous snakes.

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9. Alligators, crocodiles, caimans, or poisonous lizards.

10. Venomous fish and piranha.

11. Elephants (elephantidae).

b. This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.

c. Any *person* who lawfully holds or keeps a wild *animal* as defined in this section in the unincorporated areas of the county prior to April 6, 1999, may maintain that individual *animal* until its death under the following conditions:

1. Submission of an application for a wild *animal* permit to the county within 60 days of the effective date of this chapter and payment of the annual permit fee.

2. Provision of adequate facilities to prevent the *animal* from escaping, injuring the public, or creating a public nuisance.

3. Compliance with all applicable requirements set forth in this chapter.

4. No additional wild *animals* may be added to the *premises* by acquisition or *breeding* as of April 6, 1999.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** Predatory Wild Animals, NMSA 1978, § 77-15-1 et seq.

**Sec. 6-69. - Canine hybrids.**

a. No *person* shall purchase, sell, offer for sale, or advertise for sale any *animal* that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

b. No *person* shall possess a *canine hybrid* without a valid *canine hybrid* permit. A *person* may apply for such a permit under the following conditions:

1. Submission of a permit application.

2. Submission of written proof from a *licensed veterinarian* that all *animals* over the age of six months for which a permit is requested have been spayed or neutered.

3. All owners of permitted property shall grant reasonable access to permitted *premises*. Upon presenting proper identification and at a reasonable hour, a representative of the *animal care services* department shall be allowed access to any permitted *premises* for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

4. Payment of the annual permit fee.

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c. A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all *animals* to the property of the owner. An *animal care services officer* shall determine the adequacy of the enclosure.

A minimum livable area of 400 square feet must be provided for up to two *canine hybrids*, with an additional 100 square feet per *animal* for each additional hybrid. An exception to this subpart may be granted if the *animal* owner submits a written plan of adequate housing and exercise to the *animal care services* department and such plan is approved by the department.

d. A *canine hybrid* permit will not be issued for the ownership of more than four *canine hybrids*.

e. Each *canine hybrid* must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's *premises*. While off of the owner's *premises* the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a *person* physically capable of controlling and restraining the *animal*.

f. Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this chapter.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

#### ARTICLE VIII. - PENALTIES

Sec. 6-70. - Penalty.

Sec. 6-71. - Suspensions, revocations of permits.

Sec. 6-72. - Appeal procedures for permit denial, suspension or revocation.

Sec. 6-73. - Severability clause.

Sec. 6-74. - Compilation.

Sec. 6-75. - Effective date.

Sec. 6-76. - Exemption for Licensed Research Facilities

#### **Sec. 6-70. - Penalty.**

Except as provided in this chapter, violations of this chapter are punishable as provided in § 1-6 of the Bernalillo County Code.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

#### **Sec. 6-71. - Suspensions, revocations of permits.**

a. When the *county manager* discovers that a permitted *premises* is in violation of this chapter, he shall give notice of the violations to the permit holder, operator or *person* in charge by means of an inspection report or other written notice. The notification shall:

1. Set forth each specific violation.

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2. Establish a specific and reasonable period of time for the correction of the violation.
  3. State that failure to comply with a notice issued in accordance with the provisions of this chapter may result in immediate suspension or revocation of the permit.
  4. State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the *county manager* within five days of receipt of the notice.
- b. Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the *person* in charge, or sent by registered or certified mail to the last known address of the permit holder.
  - c. Permits may be suspended for failure of the holder to comply with the requirements of this chapter or other applicable laws, ordinances or regulations. The suspension may be lifted when the *county manager* determines the violations have been corrected.
  - d. Permits may be revoked for serious or repeated violations of the requirements of this chapter, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the *county manager*, upon suspension or revocation.
    1. A *person* whose permit has been suspended may apply for an inspection of the *premises* for the purpose of reinstating the permit. If the applicant and the site are in compliance with the requirements of this chapter and all other applicable laws, ordinances and regulations, the permit shall be reinstated. The reinstated permit shall expire on the date of expiration of the previously-suspended permit.
    2. If an exotic or wild *animal* permit is suspended or revoked, all *animals* received, purchased, owned or kept under the authority of the permit shall be surrendered to the *county manager* for impoundment. After a period of at least seven days, if the violations of this chapter which resulted in suspension or revocation of the permit have not been corrected, the *county manager* may sell or dispose of the *animal(s)* as provided in this chapter. The applicant may appeal the suspension or revocation in the manner provided in section 6-74 of this chapter.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-72. - Appeal procedures for permit denial, suspension or revocation.**

- a. A *person* whose application for a permit or permit renewal has been approved on condition or denied and a permit holder whose permit has been suspended or revoked, may submit to the *county manager* a written request for a hearing. The written request must be received within five days of the applicant's receipt of the written notice from the county. The hearing shall be conducted within a reasonable time after the *county manager* receives the request for a hearing.
- b. Hearings shall be conducted by a hearing officer at a time and place designated by the *county manager* and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time and place of the hearing shall be mailed to the applicant and the *county manager*.
- c. The applicant shall be afforded a fair hearing which provides the basic safeguards of due process

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which shall include:

1. The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the *county manager* that are relevant to the hearing. Any document not made available by the *county manager*, after written request by the applicant, may not be relied upon by the *county manager* at the hearing.
2. The right to be represented by counsel or other *persons* chosen as his representative.
3. The right to present evidence and arguments in support of his appeal to controvert evidence relied on by the *county manager*, and to confront and cross-examine all witnesses on whose testimony or information the *county manager* relies.
4. A decision based solely and exclusively upon the facts presented at the hearing.

d. The hearing officer shall prepare a written report of his findings and decision within ten days after the hearing and shall provide copies to the parties.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-73. - Severability clause.**

If any section, paragraph, sentence, clause, word or phrase of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter. The commission hereby declares that it would have passed this chapter and each division, section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-74. - Compilation.**

This chapter shall be incorporated in and compiled as part of the Revised Ordinances of the Bernalillo County Code.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-75. - Effective date.**

This chapter shall take effect 180 days after final adoption by the county commission.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**6-76. - Exemption for Licensed Research Facilities.**

The provisions of the Bernalillo County Animal Care Services Ordinance do not apply to *research facilities* licensed pursuant to the provisions of 7 U.S.C. Section 2136, except when knowingly operating outside provisions governing the treatment of animals of a research or maintenance protocol approved by

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the institutional animal care and use committee of the facility. If the facility is found to knowingly act outside these protocols the County may enforce its anti-cruelty provisions as allowed under § 30-18-1, NMSA.

(Ord. 2012- , 11-27-12)

State Law Reference-- NMSA 1978, § 30-18-1

Federal Law Reference-- 7 USC § 2136



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**ARTICLE I. IN GENERAL**

Secs. 6-1—6-29. Reserved.

Sec. 6-30. Short title and legislative intent.

Sec. 6-31. Definitions.

**Secs. 6-1—6-29. Reserved.**

**Sec. 6-30. Short title and legislative intent.**

- (a) This chapter shall be known and may be cited as the "Bernalillo County Animal Care Services Ordinance."
- (b) It is the intent of the board of county commissioners that enactment of this chapter will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the animal care services department's functions of housing, licensing, enforcement and recovery. It is the intent of the board of county commissioners to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this chapter.

(Ord. of 2-26-13)

**Sec. 6-31. Definitions.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Abandon* means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

*Adequate food* means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health; is easily accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*Adequate living area* means adequate space for exercise suitable to the age, size, species and breed of animal and includes adequate shelter and shade independent of shelter.

*Adequate shelter* means provision of and access to shelter that is suitable for species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and

Exhibit F



protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species.

- (1) Shelter for companion animals shall consist of one of the following:
  - a. Inside the residence of the animal's owner.
  - b. A shelter that is an enclosed structure of appropriate dimensions for the breed and size of the animal, consisting of four sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.
    1. The shelter shall be structurally sound and of solid construction with no cracks, open seams or holes and the entire structure shall be leak-proof.
    2. The shelter shall be maintained in good repair to protect the animals from injury.
    3. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
    4. The shelter shall contain suitable bedding as appropriate to species and/or insulation suitable for the breed when the outdoor temperature is below 45 degrees unless the shelter is heated.
    5. The shelter shall have adequate ventilation.
    6. The shelter shall be sufficient in size to allow each animal to stand up, turn around, lie down and stretch comfortably.
    7. The areas beneath a car, truck, mobile home or machinery do not qualify as shelter.
  - c. A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the animal.
- (2) Shelter for livestock shall also require that:
  - a. Adequate shelter for equines shall consist of, at minimum, two sides and a roof.
  - b. The shelter shall be sufficient in size to allow each animal to stand up, turn around, lie down, and stretch comfortably.
  - c. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
  - d. The shelter shall contain suitable bedding as appropriate to species.
  - e. The shelter shall have adequate ventilation.

*Adequate space to prevent overcrowding* includes but is not limited to sufficient space to allow animals restrained together to be able to move freely, turn around and lie down without having to come into contact with another animal or the sides of the enclosure.

*Adequate space for exercise for confined animals* shall include but not be limited to provision within the adequate living area of space that enables the animal to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

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*Adequate water* means constant access to a supply of unfrozen, potable water, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

*Animal* means any vertebrate member of the animal kingdom except humans.

*Animal care services* means the staff, facility, programs, shelter, lot, premises, and buildings maintained by the county for the implementation of the control and care of animals.

*Animal care services officer* means a Bernalillo County Animal Care Services officer or supervisor.

*Animal fighting paraphernalia* means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to: (1) instruments designed to be attached to the leg of a bird, such as a boxing gloves, knife, gaff, or other sharp instrument, (2) items to train and condition animals to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and (3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

*Bait animal* is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

*Bite* means an actual puncture or tear of the skin inflicted by the teeth of an animal.

*Bona fide animal show* includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking,

*Breeder* means a person who keeps, maintains or harbors any intact dog or cat for the purposes of breeding.

*Breeding* means permitting, either intentionally or unintentionally, a female dog or cat to produce offspring.

*Canine hybrid* means:

- (1) Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or
- (2) An animal represented by its owner to an animal care services officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or
- (3) Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

*Companion animal* means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot bellied pigs.

*Confinement* means detainment or isolation of an animal.

*County* means the area within the jurisdictional boundaries of the County of Bernalillo, including privately owned land, excluding the area within the limits of any incorporated municipality or within the jurisdiction of the United States government or the State of New Mexico.

*County manager* means the County Manager of Bernalillo County or his or her designated representative(s).

*Dangerous animal* means any of the following:

- (1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or
- (2) An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or
- (3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

*Designee or designated representative* means the animal care services director or other appropriate staff.

*Director* means the Director of the Animal Care Services Department of Bernalillo County.

*Enclosed* means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within. Establishment means a place of business together with its grounds and equipment.

*Grooming parlor* means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

*Guard dog* means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

*Household* means the collection of individuals, related or not, who reside at one street address.

*Kennel* means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.

*Kennel area* is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure.

*Licensed veterinarian* means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

*Livestock* means horses, cattle, pigs, sheep, goats, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the county manager as agricultural.

*Multiple animal site* means any property where the number of dogs or cats owned, harbored or kept exceeds the number of animals allowed in section 6-42 of this chapter and are not otherwise included within the definition of professional animal site or shelter site.

*Owner/responsible party* means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his care, or permits an animal to remain on or about the premises owned or controlled by him.

*Person* means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

*Pet shop* means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.

*Potable water* means water that can be consumed without concern for adverse health effects.

*Premises* means a parcel of land and the structures thereon.

*Professional animal site* means any kennel, grooming parlor, or pet shops, with the exception of sites solely dedicated to livestock, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

*Qualified assistance animal* means:

- (1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
- (2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or
- (3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

*Quarantine* means detention and isolation of an animal in order to observe for rabies.

*Rabbit* as used in this chapter may be either a companion animal or livestock.

*Research facility* means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in NMSA 1978, § 30-18-1.

*Shade independent of shelter* includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or manmade structures that permit animals to be sheltered from direct sunlight in a manner that provides adequate space to prevent overcrowding.

*Shelter facility* means a non-profit animal facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of animals allowed in section 6-42 or this chapter.

*Shelter site* means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of animals allowed in section 6-42 of this chapter.

*Show animal* means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the county manager, and which is involved in bona fide animal shows.

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*Sterilized* means to be rendered permanently incapable of reproduction.

*Stray* means an animal found running at large.

*To run or running at large* means any animal free from physical restraint beyond the boundaries of the owner's premises.

*Vaccination* means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3 (1993 Repl.).

*Vicious animal* means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

(Ord. of 2-26-13)

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**ARTICLE II. ADMINISTRATION**

Sec. 6-32. Rules and regulations.

Sec. 6-33. Procedures for complaints.

Sec. 6-34A. Procedure for county manager and animal care services officers.

Sec. 6-34B. Waiver.

Sec. 6-35. Fees.

Sec. 6-36. County animal care services facilities.

**Sec. 6-32. Rules and regulations.**

Reasonable rules and regulations may be prescribed by the county manager to carry out the intent and purpose of this chapter, pursuant to standards created by this chapter. The county manager may delegate his powers to the director as he may deem expedient. The director may delegate such powers to the duly appointed animal care services officers as he may deem expedient. An animal care services officer shall wear a uniform and shall carry appropriate identification. Identification is to be surrendered to the county upon cessation of employment.

*(Ord. of 2-26-13)*

**Sec. 6-33. Procedures for complaints.**

A complaint alleging any violation of this chapter may be filed with the animal care services department by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The county manager may require the complainant to provide his name and address and swear to and affirm the complaint.

It is unlawful for any person to intentionally make a report to the county manager, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Bernalillo County Animal Care Services Ordinance.

*(Ord. of 2-26-13)*

**Sec. 6-34A. Procedure for county manager and animal care services officers.**

- (a) The county manager, director and animal care services officers shall have the authority, and are directed to investigate upon probable cause, any alleged violation of this chapter or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals.
- (b) Animal care services officers are authorized to inspect premises as necessary to perform their duties. If the owner or occupant of the premises objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.



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- (c) Whenever the county manager has probable cause to believe that a person has violated this chapter, the county manager may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the person violating this chapter, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The county manager shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The county manager shall deliver a copy of the citation to the person promising to appear.
- (d) If the alleged violator refuses to give his written promise to appear, the county manager shall prepare a criminal complaint with the Bernalillo County Metropolitan Court.

*(Ord. of 2-26-13)***Sec. 6-34B. Waiver.**

- (a) The county manager shall have the authority to grant waivers.
- (b) Any person seeking a waiver pursuant to the ordinance from which this chapter is derived shall file a written application with the county manager. The written application shall contain information which describes the ordinance section for which a waiver is requested and the reason for the waiver.
- (c) In determining whether to grant or deny the application, the county manager shall balance the hardship to the applicant, the community and other persons of not granting the waiver against the potential adverse impact on the animals and residents affected.
- (d) Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and subject the person holding it to those provisions of this chapter.
- (e) Any person seeking a waiver shall indicate in his or her application to the county manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

*(Ord. of 2-26-13)***Sec. 6-35. Fees.**

Fees for licenses and permits required pursuant to this chapter shall be established and adopted through resolution by the board of county commissioners.

*(Ord. of 2-26-13)***Sec. 6-36. County animal care services facilities.**

- (a) There are established one or more county animal care services facilities which shall be located in such numbers and at such sites as shall be designated by the board of county commissioners.
- (b) The animal care services facilities shall be operated to provide service to the general public during the hours set by the county manager.

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- (c) Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and subject the person holding it to those provisions of this chapter.
- (d) Any person seeking a waiver shall indicate in his or her application to the county manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

(Ord. of 2-26-13)



**Bernalillo County, New Mexico, Code of Ordinances >> - BERNALILLO COUNTY CODE >> Chapter 6 - ANIMALS >> ARTICLE III. ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES >>**

**ARTICLE III. ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES**

Sec. 6-37. Impounding animals.

Sec. 6-37A. Seizure of animals, excluding livestock.

Sec. 6-37B. Seizure of livestock.

Sec. 6-38. Retention of strays or owner-surrendered animals.

**Sec. 6-37. Impounding animals.**

- (a) An animal care services officer may take up and impound in any designated animal care services facility a stray or any animal kept or maintained contrary to the requirements of this chapter.
  - (1) The animal may be confined in accordance with the facilities regulations.
  - (2) The owner/responsible party shall be responsible for all impound fees, boarding fees, and other costs whether or not the animal is reclaimed.
  - (3) An unsterilized animal reclaimed by its owner shall be released without being sterilized upon payment of at least \$25.00 for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the animal within 30 days after release or will obtain a breeder permit, intact permit, or its equivalent.
  - (4) Any stray which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.
- (b) An animal care services officer may take up and impound in any designated animal care services facility a stray or any livestock kept or maintained contrary to the requirements of this chapter.
  - (1) The owner/responsible party shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.
  - (2) The animal care services department may require inspection of enclosures for livestock and the living conditions of animals kept outdoors prior to reclaim.
  - (3) The county manager is hereby authorized to place for adoption unclaimed livestock that has been impounded by the county and to execute adoption papers to the purchaser at the end of a ten-day waiting period.
    - a. Adoption of large livestock may be done after submitting a sealed bid to the animal care services department.
    - b. Adoption of small livestock may be done after paying an adoption fee to the animal care services department.
- (c) The director shall maintain, for a reasonable period of time or as required by statute, a record of all animals impounded. At least the following information shall be included:
  - (1) A complete description of the animal;
  - (2) The manner and date of its acquisition;
  - (3)

- The date, manner, and place of impoundment;
- (4) The impoundment number.
- (d) Owners requesting removal of an animal shall be required to sign an owner's release at the time of impoundment.
- (e) If a stray animal is not wearing a current rabies tag and is deemed critically injured or critically ill an animal care services officer may deliver the animal to a licensed veterinarian for euthanization. A report must be filed with the county manager.
- (f) Whenever the county manager finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the county manager may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the impound facility. If the animal is unclaimed at the end of the protective custody period, the animal may be humanely destroyed or otherwise disposed of by the impound facility.

(Ord. of 2-26-13)

**State law reference**— Sterilization agreement and sterilization deposit required, NMSA 1978, § 77-1-20.

### **Sec. 6-37A. Seizure of animals, excluding livestock.**

- (a) A peace officer or animal care services officer who reasonably believes that the life or health of an animal is endangered due to violation of any provision in this chapter may apply to the district court, magistrate court, or the metropolitan court for a warrant to seize the animal(s).
- (b) If the court finds probable cause that the animal's life or health is endangered as a result of the violation of any provision of this chapter, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on the matter as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time.
- (c) Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.
- (d) If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

(Ord. of 2-26-13)

**State law reference**— Seizure of Animals, NMSA 1978, § 30-18-1.1 (1999).

### **Sec. 6-37B. Seizure of livestock.**

- (a) A peace officer or animal care services officer who reasonably believes that the life or health of livestock is endangered because of the violation of any provision in this chapter may apply to district court, magistrate court, or the metropolitan court for a warrant to seize the allegedly endangered livestock.
- (b) On a showing of probable cause to believe that the life and health of livestock is endangered as a result of the violations of any provision of this chapter, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those livestock allegedly being kept in a manner that their life or health is endangered. The animal care services department shall establish procedures for preserving evidence of violations of this chapter.
- (c)

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The court executing the warrant shall notify the animal care services department, have the livestock impounded, and give written notice to the owner of the livestock of the time and place of the court hearing.

- (d) After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the livestock by violating any provision contained in the chapter, the court shall order the impoundment of the livestock until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this chapter, the court shall order the livestock returned to the owner.

(Ord. of 2-26-13)

**State law reference**— Livestock code, NMSA 1978, § 77-18-2 (1999).

### **Sec. 6-38. Retention of strays or owner-surrendered animals.**

- (a) No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of the animal to the animal care services department.
- (1) The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.
- (2) No person having such an animal in his possession shall refuse to immediately surrender the animal to an animal care services officer upon demand.
- (3) Any stray animal identified by microchip or any other identification must be called into the animal care services department.

(Ord. of 2-26-13)

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**Bernalillo County, New Mexico, Code of Ordinances >> - BERNALILLO COUNTY CODE >> Chapter 6 - ANIMALS >> ARTICLE IV. PERMITS REQUIRED >>**

**ARTICLE IV. PERMITS REQUIRED**

Sec. 6-39. General provisions.

Sec. 6-39A. Site permit requirements.

Sec. 6-39B. Breeder permit.

Sec. 6-39C. Litter permit.

Sec. 6-39D. Requirements for sale of offspring.

Sec. 6-39E. Guard dog permit.

Sec. 6-39F. Intact animal permit.

**Sec. 6-39. General provisions.**

- (a) Valid permits are required to operate a multiple animal site, professional animal site, or shelter site, breed dogs or cats, have a litter of dogs and cats, possess a guard dog or possess an intact dog or cat that has been impounded as a stray. A person may obtain a permit under the following conditions:
  - (1) Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at the office of the animal care services department. Failure to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.
  - (2) Multiple animal site, professional animal site and shelter site permits require a demonstration of a certification of zoning and land use from the Bernalillo County Zoning Department.
  - (3) Upon presenting proper identification and with notice, an animal care services officer shall be allowed access to any multiple animal site, professional animal site or shelter site for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.
  - (4) Permits must be posted in a conspicuous place on the permitted premises and are nontransferable.
  - (5) All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Bernalillo County Business License Ordinance.

(Ord. of 2-26-13)

**Sec. 6-39A. Site permit requirements.**

- (a) Multiple animal sites, shelter sites and professional animal sites are required to meet all other provisions of the Bernalillo County Animal Care Services Ordinance and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.
- (b)

The kennel area shall be kept clean and sanitary in a way that protects animals from disease and injury. Animals shall be protected from cleaning agents during cleaning. Provisions shall be made to remove animal and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this chapter. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.

- (c) Kennel area buildings and fences shall be structurally sound and kept in good repair to keep animals clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state and county regulations and kept in good repair.
- (d) Fresh air in kennel area buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.
- (e) Each animal shall be kept in compatible groups and have adequate space to prevent overcrowding. Kennel areas holding cats must contain an adequate number of litter boxes.
- (f) All animals housed in the kennel area shall be provided with an adequate living area.
- (g) Unsterilized female animals shall be segregated when in estrous except for breeding purposes.
- (h) Each animal shall be observed daily by the person named on the permit or his/her designee. Any animal in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured animals shall be segregated from other animals based on veterinary recommendations to prevent disease spread or further injury.
- (i) Insects, parasites and rodents shall be controlled.
- (j) A valid rabies certificate signed by a licensed veterinarian shall be present for each dog and cat housed at the kennel facility.
- (k) Records of animal inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an animal care services officer.

(Ord. of 2-26-13)

#### **Sec. 6-39B. Breeder permit.**

- (a) No person shall keep, maintain or harbor any intact dog or cat for the purposes of breeding without a breeder permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.
- (b) A female dog or cat shall have no more than one litter in any consecutive 12-month period.
- (c) Upon presenting identification and with notice an animal care services officer shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

(Ord. of 2-26-13)

#### **Sec. 6-39C. Litter permit.**

- (a) The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a breeder permit is required to obtain a litter permit for each litter.
- (b) Subsequent to the issuance of a litter permit, the permitted animal shall be sterilized within 120 days of the issuance of the litter permit.

(Ord. of 2-26-13)

### **Sec. 6-39D. Requirements for sale of offspring.**

- (a) No person shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or breeder permit number to any potential recipient upon request.
- (b) Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or breeder permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this chapter.

(Ord. of 2-26-13)

### **Sec. 6-39E. Guard dog permit.**

- (a) No person shall use a guard dog without a valid permit. A person may obtain a guard dog permit under the following conditions:
  - (1) Submission of an application which shall include sufficient information to identify the name and address of the owner of the commercial property and the name and address of the owner of the guard dog, and payment of an annual guard dog permit fee at the office of the animal care services department; and
  - (2) Guard dog permit holders are required to meet all other provisions of the Bernalillo County Animal Care Services Ordinance and the area where the guard dog is to be used shall be secured in such a manner as to prevent its escape.
    - a. The doors, windows, and all openings to the outside of a building in which a guard dog is on duty shall be secured to prevent its escape.
    - b. An outdoor property holding a guard dog shall be completely enclosed by a fence at least six feet in height and shall effectively contain the animal at all times.
- (b) The property using a guard dog shall be posted with warning signs at least 12 inches long on each side.
  - (1) The warning signs shall state "guard dog" and "guardia" and shall show a picture of an aggressive dog.
  - (2) The warning signs shall be posted not more than 200 feet apart on the exterior of the fences and walls surrounding the property and shall be posted at all exterior corners of the site and at every entrance to the site.
- (c) A guard dog shall have a current rabies tag and a valid license tag securely affixed to its collar or harness.

(Ord. of 2-26-13)

### **Sec. 6-39F. Intact animal permit.**

- (a) Any person having a stray unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit or have the animal sterilized within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof that they possess a current county license and rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the animal care services department.

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- (b) Any animal found running at large twice shall be sterilized within 30 days of the second offense.
- (c) An intact animal permit is required to keep a dog or cat exempt from being sterilized as mandated by applicable law when released prior to impound from an animal shelter.

(Ord. of 2-26-13)



**Bernalillo County, New Mexico, Code of Ordinances >> - BERNALILLO COUNTY CODE >> Chapter 6 - ANIMALS >> ARTICLE V. OWNER'S DUTIES AND PROHIBITED ACTIVITIES >>**

**ARTICLE V. OWNER'S DUTIES AND PROHIBITED ACTIVITIES**

- Sec. 6-40. Animals biting persons.
- Sec. 6-41. Animal license.
- Sec. 6-42. Number of animals allowed.
- Sec. 6-43. Restraint of animals.
- Sec. 6-44. Vaccinations.
- Sec. 6-45. Abandonment.
- Sec. 6-46. Admission of qualified assistance animals to public places.
- Sec. 6-47. Animals disturbing the peace.
- Sec. 6-48. Animals killing or injuring livestock or protected wildlife.
- Sec. 6-49. Reserved.
- Sec. 6-50. Animal poisoning.
- Sec. 6-51. Animals running at large.
- Sec. 6-52. Injury to animals by motorists.
- Sec. 6-53. Animals transported in vehicles.
- Sec. 6-54. Animal waste.
- Sec. 6-55. Breaking into animal care services facilities or vehicles.
- Sec. 6-56A. Care and maintenance (companion animals).
- Sec. 6-56B. Care and maintenance (livestock).
- Sec. 6-57. Confinement of female dogs or cats in mating season.
- Sec. 6-58. Cruelty to animals.
- Sec. 6-59. Fights.
- Sec. 6-60. Fowl; impounding or crating.
- Sec. 6-61. Hobbling.
- Sec. 6-62. Interference with the county manager in the performance of his duties.
- Sec. 6-63. Keeping a seriously sick or injured animal.
- Sec. 6-64. Sale and display of animals.
- Sec. 6-65. Sterilization agreements/contracts.
- Sec. 6-66. Unlawful use of rabies tag.
- Sec. 6-67. Vicious or dangerous animals.

**Sec. 6-40. Animals biting persons.**

- (a) The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the animal care services department within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an animal care services officer if the officer deems it necessary to impound said animal for a period of quarantine no less than ten days from the day of the bite.
- (b) A physician who renders professional treatment to a person bitten by an animal shall report to the county manager that he has rendered professional treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall report the name and



address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the animal care services in ascertaining the immunization status of the animal.

- (c) An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the animal care services officer. The owner of the animal shall bear the cost of confinement.
- (d) If the owner is unwilling or unable to quarantine the animal, the animal care services officer may impound the animal into protective custody for the period of the quarantine and the owner shall pay all related costs of the impoundment prior to reclaiming the animal.
- (e) The animal care services officer may consent to quarantine the animal on the owner's premises. The premises where the home quarantine is to occur shall be inspected and approved for such purpose by the animal care services officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the county manager for such home quarantine.
- (f) If the animal shows signs of sickness, abnormal behavior, or if the animal escapes quarantine, the person having custody of the animal shall immediately notify the animal care services department. The person having custody of an animal that dies during the quarantine period shall notify the animal care services department and surrender the carcass of the animal to an animal care services officer.
- (g) It is unlawful to violate the conditions of quarantine. If an officer deems it necessary to impound an animal for quarantine for violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the quarantine period is complete. The owner shall bear the cost of the impoundment.
- (h) It is unlawful for a person to keep an animal reported to have bitten any person on two unprovoked separate incidents. The owner has a duty to destroy said animal humanely or surrender such an animal to the animal care services department for proper humane euthanization.

(Ord. of 2-26-13)

#### **Sec. 6-41. Animal license.**

- (a) It is unlawful for any person to own or harbor a dog, cat, or ferret over the age of three months without obtaining a license for such animal. Persons who are not county residents and who keep such an animal in the county for less than 30 consecutive days shall be exempt from this license requirement.
- (b) Applications for licenses shall be made on forms provided by the animal care services department. All applications shall include the name of the legal owner of the animal, the mailing address and physical address of the owner. It is unlawful for any person to knowingly falsify information concerning animal ownership, the owner's address, animal description, or any other information required on the application.
- (c) Licenses shall be purchased for one year. A three-year license may be purchased for a dog, cat, or ferret if the animal has a current three-year rabies certificate, which is good for at least two-thirds of the licensing period. A one-year or three-year license must be renewed upon its expiration date. Failure to renew the license within 30 days of the expiration date shall result in the assessment of a penalty fee in addition to the cost of the license.
- (d) A current rabies certificate must be presented at the time of applying for a license.
- (e) Pet identification is mandatory. The method of identification shall include a microchip.
- (f)

The current license tag shall be securely affixed to the collar or harness which shall be worn by a dog, cat or ferret unless the animal is being housed in a kennel or veterinary hospital, or appearing in a bona fide animal show, or is being trained; provided, however, that the person who is training the animal shall have in his personal possession proof of a valid license for each animal and shall immediately display the license upon request by the animal care services department.

- (g) Identification methods must be kept up to date and current with owner information.
- (h) License tags shall not be transferred from animal to animal.
- (i) Proof of qualification for a license for a sterilized animal can only be made with a written certification from a licensed veterinarian stating that the animal has been neutered or spayed.
- (j) The license fee shall not apply to qualified service animals. All other licensing requirements shall apply.

(Ord. of 2-26-13)

#### **Sec. 6-42. Number of animals allowed.**

- (a) No person or household shall own, harbor or keep more than a combined total of four dogs, cats or any combination thereof over the age of three months without, multiple animal site permit, or shelter permit.
  - (1) A household may have up to six dogs, cats or any combination thereof provided that all of the animals shall be sterilized without a multiple animal permit or shelter permit.
    - a. For number of animal (section 6-42(a)(1)) purposes a medical waiver certificate may be acceptable in cases when the sterilization of an animal would pose a substantial threat to the health of the animal. The certificate shall be on official letterhead from a licensed veterinarian and shall contain the name and address of the owner of the animal, a description of the animal, the medical condition prohibiting sterilization, and the date upon which the animal may be sterilized. A medical waiver certificate must be resubmitted annually. This does not waive the unsterilized license fee.

(Ord. of 2-26-13)

#### **Sec. 6-43. Restraint of animals.**

- (a) A person owning or having charge, custody, care, or control over a companion animal, shall keep the animal upon his or her own premises within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a companion animal as a form of confinement.
  - (1) Fixed point tethering of any companion animal to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner is immediately present.
  - (2) A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the person with the dog is capable of controlling the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when an animal is participating in a bona fide animal show

authorized by the county or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(Ord. of 2-26-13)

**State law reference**— Authority to prohibit the running at large of animals, NMSA 1978, §§ 4-37-1, 3-18-3(A)(2), 77-1-12; Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to 77-1A-6.

#### **Sec. 6-44. Vaccinations.**

- (a) It is the duty of any person(s) owning or keeping a dog, cat, or domestic ferret over the age of three months to have the animal vaccinated against rabies as prescribed by NMSA 1978, § 77-1-3 as amended. The county manager may require that other animals have annual rabies vaccines.
- (b) The veterinarian administering anti-rabies vaccines to any animal shall issue the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the date immunity expires and the microchip number.
- (c) The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number. A current rabies tag shall be affixed by the owner or keeper to a collar or harness worn by the animal at all times unless the animal is being kept in an approved kennel or veterinary hospital, is being trained by a professional trainer or is appearing in an approved show.
- (d) It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the county manager. This subsection does not apply to any animal under control of the Albuquerque Municipal Zoo or shelters.
- (e) For licensing purposes a medical waiver certificate may be acceptable in cases when the rabies vaccination of an animal would pose a substantial threat to the health of the animal. The certificate shall be on official letterhead from a licensed veterinarian and shall contain the name and address of the owner of the animal, a description of the animal, the medical condition prohibiting vaccination, and the date upon which a vaccination may be given. A medical waiver certificate must be resubmitted annually.

(Ord. of 2-26-13)

**Cross reference**— Health and Sanitation, Ch. 42.

**State law reference**— Rabies Control Generally, NMSA §§ 77-1-5, 77-1-6, 77-1-10.

#### **Sec. 6-45. Abandonment.**

It is unlawful for a person to abandon an animal. Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harborer, keeper, holder or possessor of such cats.

#### **Sec. 6-46. Admission of qualified assistance animals to public places.**

Notwithstanding any other provision of law, a qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of a person with a disability or a trainer of assistance animals. No person shall be required to pay any additional charges for his qualified assistance animal, but shall be liable for any damage done by his qualified assistance animal.

(Ord. of 2-26-13)

**State law reference**— Similar provisions, NMSA 1978, §§ 28-11-2 through 28-11-4.

### **Sec. 6-47. Animals disturbing the peace.**

- (a) It is unlawful for a person to allow an animal to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the county.
- (b) It is unlawful to keep or maintain an animal in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(Ord. of 2-26-13)

**Cross reference**— Noise by animals and fowl, § 30-20-1; offenses against public peace and order.

### **Sec. 6-48. Animals killing or injuring livestock or protected wildlife.**

- (a) It is unlawful for a person to keep an animal known to have killed or injured livestock or protected wildlife. The owner has a duty to destroy said animal humanely or surrender such an animal to the animal care services department for proper humane euthanization upon the order of the court.
- (b) An owner of livestock shall have the right to kill an animal that has injured or killed livestock or protected wildlife while it is upon property controlled by the owner of the livestock.

(Ord. of 2-26-13)

**State law reference**— Dogs Killing or Injuring Livestock, NMSA 1978 § 77-1-2.

### **Sec. 6-49. Reserved.**

### **Sec. 6-50. Animal poisoning.**

- (a) It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.
- (b) This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(Ord. of 2-26-13)

### **Sec. 6-51. Animals running at large.**

- (a) It is unlawful for a person to allow or permit any animal to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the county, or private property without the permission of the property owner.
- (b) An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An animal care services officer may go upon private property in pursuit of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.
- (c) A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control

and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

- (d) It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.

(Ord. of 2-26-13)

#### **Sec. 6-52. Injury to animals by motorists.**

Every operator of a motor or self-propelled vehicle upon the streets and ways of the county shall immediately upon injuring, striking, maiming or running down any animal provide immediate notification to the county manager, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal within the meaning of section 6-37(e) of this chapter. Emergency vehicles are excluded from this provision.

(Ord. of 2-26-13)

#### **Sec. 6-53. Animals transported in vehicles.**

- (a) It is unlawful for a person to carry an animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. Animals carried in the open bed of a truck must be in a crate that is securely fastened to the truck.
- (b) If an animal care services officer determines that an animal in a closed vehicle is in immediate danger of serious injury or death, the officer may enter the vehicle, by whatever means necessary, and impound the animal into protective custody.

(Ord. of 2-26-13)

#### **Sec. 6-54. Animal waste.**

It is unlawful to permit a companion animal to defecate on public or private property other than the property of the owner of the animal unless such animal waste is immediately removed and properly disposed of by the person having custody of the animal.

(Ord. of 2-26-13)

#### **Sec. 6-55. Breaking into animal care services facilities or vehicles.**

It is unlawful for a person to break into any animal center, facility, or vehicle wherein animals are impounded, or to in any manner remove or assist in the removal of any animal or equipment from such.

(Ord. of 2-26-13)

#### **Sec. 6-56A. Care and maintenance (companion animals).**

Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

- (1) Each animal shall be supplied adequate food, adequate water accessible and adequate space to prevent overcrowding.
- (2)



All animals are to be provided adequate living area and adequate space to prevent overcrowding and sufficient space for adequate exercise. All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

- (3) No animal shall be left unattended for more than 24 hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the animal.
- (5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the animal from adverse weather conditions. An animal shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a licensed veterinarian.
- (6) The owner or custodian shall provide regular basic, necessary, and emergency professional veterinary care when needed. The owner or custodian shall take an animal to a licensed veterinarian within a time frame indicated for an examination and adhere to recommended treatment if the director or his agent finds this is necessary in order to maintain the health of the animal, and so orders.
- (7) All animals kept outdoors shall be provided with adequate shelter, accessible at all times, to the animal.

(Ord. of 2-26-13)

#### **Sec. 6-56B. Care and maintenance (livestock).**

Every person who owns or who has charge, care or custody of an animal defined under the chapter as livestock shall comply with each of the following requirements:

- (1) Each animal shall be supplied an adequate living area, adequate food, adequate water accessible and adequate space to prevent overcrowding.
- (2) All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- (3) No animal shall be without attention for more than 24 hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the animal.
- (5) The owner/responsible party shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an animal to a licensed veterinarian within the time frame indicated for an examination and adhere to recommended treatment if the director or his agent finds this is necessary in order to maintain the health of the animal, and so orders.
- (6) All livestock primarily confined to one acre or less shall be provided with adequate shelter.
- (7) During the spring and summer, animals shall have easy access to sufficient shade to comfortably include all animals present.
- (8) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury.

(Ord. of 2-26-13)

**Sec. 6-57. Confinement of female dogs or cats in mating season.**

- (a) A person in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female animal, except for intentional breeding purposes.
- (b) It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Ord. of 2-26-13)

**Sec. 6-58. Cruelty to animals.**

- (a) It is unlawful for a person to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals.
- (b) It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

(Ord. of 2-26-13)

**Sec. 6-59. Fights.**

- (a) It is unlawful for a person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.
  - (1) It is unlawful for any person to sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.
  - (2) It is unlawful for any person to raise, train, condition, sell, receive, possess, transport, loan, or give away animals for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of Bernalillo County.
  - (3) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.
- (b) Nothing in this section shall prohibit a person from engaging in legal hunting practices as allowed by state wildlife authorities.

(Ord. of 2-26-13)

**State law reference**— Dog Fighting and Cockfighting, NMSA 1978 § 30-18-9.

**Sec. 6-60. Fowl; impounding or crating.**

It is unlawful for a person to confine any wild or domestic fowl or birds unless provisions are made by such person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(Ord. of 2-26-13)

**Sec. 6-61. Hobbling.**

- (a) It is unlawful for any person to hobble, tether, or stake livestock or other animals by any means which may cause injury or damage to said animal.
- (b) It is unlawful for any person to hobble, tether, or stake livestock or other animals so that they become entangled or are prevented access to any and all care and maintenance items required by section 6-58 of this chapter.

(Ord. of 2-26-13)

**Sec. 6-62. Interference with the county manager in the performance of his duties.**

- (a) No person shall attack, assault or in any way threaten or interfere with the county manager in the performance of the duties required by this chapter.
- (b) No person shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an animal care services officer in the legal performance of his or her duties.
- (c) No person shall interfere with or tamper with any equipment used by animal care services officers, including release of animals contained in such equipment.
- (d) No person shall engage in conduct that would agitate, obstruct, oppose, or distract an animal care services officer in the legal performance of his or her duties.

(Ord. of 2-26-13)

**Sec. 6-63. Keeping a seriously sick or injured animal.**

- (a) It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.
- (b) The county manager may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The animal care services department may utilize a standard body scoring system to evaluate the condition of an animal.
- (c) In the absence of proper veterinary care, the county manager may impound such a seriously sick or injured animal in accordance with the provisions of this chapter.
- (d) Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(Ord. of 2-26-13)

**Sec. 6-64. Sale and display of animals.**

- (a) A person shall only sell, offer for sale, barter, give away or otherwise dispose of an animal at the physical address listed on the appropriate permit issued by the county manager. Shelters shall be allowed off-site adoption events, with permission of site owner and while preserving appropriate care and maintenance of animals.
- (b) No person shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.
- (c) No person shall offer an animal as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.
- (d) Animal exhibits.

(1)



No person shall operate, conduct, or maintain a permanent or temporary commercial animal show, circus, animal exhibition, animal ride, petting zoo or carnival without first having obtained a permit from the animal care services department. Conditions for permit approval include provisions for the humane care and treatment of the animals and the protection of public safety. Permits shall not be issued upon verification that the applicant has been convicted of charges of animal cruelty, abuse, or neglect, or has violated the Federal Animal Welfare Act.

- (2) No person shall operate, conduct or maintain any animal exhibit under conditions that pose a danger to the public or the animals. Specific requirements shall be available upon request to the animal care services department.
- (3) The following are exempt from the requirements of this section:
  - a. Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.
  - b. Events sponsored by a municipal zoo or aquarium facility.
  - c. Competitive sporting events.
- (4) Persons involved in these exempt activities shall comply with all other applicable sections of this chapter.
- (e) Sale of live companion animals at pet shops is prohibited unless the pet shop has an approved professional animal site permit. Sale of cats or dogs in pet shops is prohibited.
- (f) The sale of rabbits for purposes other than as a companion animal, which are not otherwise prohibited under this chapter, is allowed. There shall be a seasonal exception for the sale of live rabbits in all pet shops, feed stores, and bait shops during the months of March and April.

(Ord. of 2-26-13)

#### **Sec. 6-65. Sterilization agreements/contracts.**

It shall be unlawful for a person to possess any unsterilized animal when such animal is required to be sterilized under the terms of any applicable sterilization agreement or contract.

(Ord. of 2-26-13)

#### **Sec. 6-66. Unlawful use of rabies tag.**

It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this chapter.

(Ord. of 2-26-13)

#### **Sec. 6-67. Vicious or dangerous animals.**

- (a) It is unlawful for any person to keep or harbor a vicious animal. When an animal care services officer has probable cause to believe that an animal is vicious, the officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this chapter, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the county manager or for destruction.

- (b) It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal.
- (c) Any dog that is deemed dangerous by admission of owner or by court determination shall register the dog with animal care services by obtaining a dangerous dog permit. The owner shall comply with all registration and handling requirements as listed in the NMSA 1978, § 77-1A-5.

(Ord. of 2-26-13)

**State law reference—** *Vicious Animals, NMSA 1978, §77-1-10).*

**Bernalillo County, New Mexico, Code of Ordinances >> - BERNALILLO COUNTY CODE >> Chapter 6 - ANIMALS >> ARTICLE VI. WILD ANIMALS; CANINE HYBRIDS >>**

**ARTICLE VI. WILD ANIMALS; CANINE HYBRIDS**

Sec. 6-68. Wild animals.

Sec. 6-69. Canine hybrids.

**Sec. 6-68. Wild animals.**

- (a) It shall be unlawful for a person to own, harbor, keep or exhibit on any private or public property in the county any wild animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:
- (1) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.
  - (2) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.
  - (3) All bears (ursidae), including grizzly bears, black bears, brown bears, etc.
  - (4) Raccoons (procynidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.
  - (5) Primates (hominidae), including all non-human great apes other than qualified service animals.
  - (6) Skunks.
  - (7) Bats.
  - (8) Non-indigenous poisonous snakes.
  - (9) Alligators, crocodiles, caimans, or poisonous lizards.
  - (10) Venomous fish and piranha.
  - (11) Elephants (elephantidae).
- (b) This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.
- (c) Any person who lawfully holds or keeps a wild animal as defined in this section in the unincorporated areas of the county prior to April 6, 1999, may maintain that individual animal until its death under the following conditions:
- (1) Submission of an application for a wild animal permit to the county within 60 days of the effective date of this chapter and payment of the annual permit fee.
  - (2) Provision of adequate facilities to prevent the animal from escaping, injuring the public, or creating a public nuisance.
  - (3) Compliance with all applicable requirements set forth in this chapter.
  - (4) No additional wild animals may be added to the premises by acquisition or breeding as of April 6, 1999.

(Ord. of 2-26-13)

*State law reference— Predatory Wild Animals, NMSA 1978, § 77-15-1 et seq.*

### **Sec. 6-69. Canine hybrids.**

- (a) No person shall purchase, sell, offer for sale, or advertise for sale any animal that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.
- (b) No person shall possess a canine hybrid without a valid canine hybrid permit. A person may apply for such a permit under the following conditions:
  - (1) Submission of a permit application.
  - (2) Submission of written proof from a licensed veterinarian that all animals over the age of six months for which a permit is requested have been spayed or neutered.
  - (3) All owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the animal care services department shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.
  - (4) Payment of the annual permit fee.
- (c) A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all animals to the property of the owner. An animal care services officer shall determine the adequacy of the enclosure.  
 A minimum livable area of 400 square feet must be provided for up to two canine hybrids, with an additional 100 square feet per animal for each additional hybrid. An exception to this subpart may be granted if the animal owner submits a written plan of adequate housing and exercise to the animal care services department and such plan is approved by the department.
- (d) A canine hybrid permit will not be issued for the ownership of more than four canine hybrids.
- (e) Each canine hybrid must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's premises. While off of the owner's premises the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a person physically capable of controlling and restraining the animal.
- (f) Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this chapter.

(Ord. of 2-26-13)

**Bernalillo County, New Mexico, Code of Ordinances >> - BERNALILLO COUNTY CODE >> Chapter 6 - ANIMALS >> ARTICLE VII. PENALTIES >>**

**ARTICLE VII. PENALTIES**

Sec. 6-70. Penalty.

Sec. 6-71. Suspensions, revocations of permits.

Sec. 6-72. Appeal procedures for permit denial, suspension or revocation.

Sec. 6-73. Severability clause.

Sec. 6-74. Compilation.

Sec. 6-75. Effective date.

Sec. 6-76. Exemption for licensed research facilities.

**Sec. 6-70. Penalty.**

Except as provided in this chapter, violations of this chapter are punishable as provided in section 1-6 of the Bernalillo County Code.

(Ord. of 2-26-13)

**Sec. 6-71. Suspensions, revocations of permits.**

- (a) When the county manager discovers that a permitted premises is in violation of this chapter, he shall give notice of the violations to the permit holder, operator or person in charge by means of an inspection report or other written notice. The notification shall:
  - (1) Set forth each specific violation.
  - (2) Establish a specific and reasonable period of time for the correction of the violation.
  - (3) State that failure to comply with a notice issued in accordance with the provisions of this chapter may result in immediate suspension or revocation of the permit.
  - (4) State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the county manager within five days of receipt of the notice.
- (b) Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the person in charge, or sent by registered or certified mail to the last known address of the permit holder.
- (c) Permits may be suspended for failure of the holder to comply with the requirements of this chapter or other applicable laws, ordinances or regulations. The suspension may be lifted when the county manager determines the violations have been corrected.
- (d) Permits may be revoked for serious or repeated violations of the requirements of this chapter, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the county manager, upon suspension or revocation.
  - (1) A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit. If the applicant and the site are in compliance with the requirements of this chapter and all other applicable laws,

ordinances and regulations, the permit shall be reinstated. The reinstated permit shall expire on the date of expiration of the previously-suspended permit.

- (2) If an exotic or wild animal permit is suspended or revoked, all animals received, purchased, owned or kept under the authority of the permit shall be surrendered to the county manager for impoundment. After a period of at least seven days, if the violations of this chapter which resulted in suspension or revocation of the permit have not been corrected, the county manager may sell or dispose of the animal(s) as provided in this chapter. The applicant may appeal the suspension or revocation in the manner provided in section 6-74 of this chapter.

(Ord. of 2-26-13)

### **Sec. 6-72. Appeal procedures for permit denial, suspension or revocation.**

- (a) A person whose application for a permit or permit renewal has been approved on condition or denied and a permit holder whose permit has been suspended or revoked, may submit to the county manager a written request for a hearing. The written request must be received within five days of the applicant's receipt of the written notice from the county. The hearing shall be conducted within a reasonable time after the county manager receives the request for a hearing.
- (b) Hearings shall be conducted by a hearing officer at a time and place designated by the county manager and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time and place of the hearing shall be mailed to the applicant and the county manager.
- (c) The applicant shall be afforded a fair hearing which provides the basic safeguards of due process which shall include:
  - (1) The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the county manager that are relevant to the hearing. Any document not made available by the county manager, after written request by the applicant, may not be relied upon by the county manager at the hearing.
  - (2) The right to be represented by counsel or other persons chosen as his representative.
  - (3) The right to present evidence and arguments in support of his appeal to controvert evidence relied on by the county manager, and to confront and cross-examine all witnesses on whose testimony or information the county manager relies.
  - (4) A decision based solely and exclusively upon the facts presented at the hearing.
- (d) The hearing officer shall prepare a written report of his findings and decision within ten days after the hearing and shall provide copies to the parties.

(Ord. of 2-26-13)

### **Sec. 6-73. Severability clause.**

If any section, paragraph, sentence, clause, word or phrase of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter. The commission hereby declares that it would have passed this chapter and each division, section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

(Ord. of 2-26-13)

**Sec. 6-74. Compilation.**

This chapter shall be incorporated in and compiled as part of the Revised Ordinances of the Bernalillo County Code.

(Ord. of 2-26-13)

**Sec. 6-75. Effective date.**

This chapter shall take effect 180 days after final adoption by the county commission.

**Sec. 6-76. Exemption for licensed research facilities.**

The provisions of the Bernalillo County Animal Care Services Ordinance do not apply to research facilities licensed pursuant to the provisions of 7 U.S.C. Section 2136, except when knowingly operating outside provisions governing the treatment of animals of a research or maintenance protocol approved by the institutional animal care and use committee of the facility. If the facility is found to knowingly act outside these protocols the county may enforce its anti-cruelty provisions as allowed under NMSA 1978, § 30-18-1.

(Ord. of 2-26-13)

**State law reference**— NMSA 1978, § 30-18-1.

**Federal Law Reference**—7 USC § 2136.



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  - (1) Set forth each specific violation.
  - (2) Establish a specific and reasonable period of time for the correction of the violation.
  - (3) State that failure to comply with a notice issued in accordance with the provisions of this chapter may result in immediate suspension or revocation of the permit.
  - (4) State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the county manager within five days of receipt of the notice.
- (b) Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the person in charge, or sent by registered or certified mail to the last known address of the permit holder.
- (c) Permits may be suspended for failure of the holder to comply with the requirements of this chapter or other applicable laws, ordinances or regulations. The suspension may be lifted when the county manager determines the violations have been corrected.
- (d) Permits may be revoked for serious or repeated violations of the requirements of this chapter, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the county manager, upon suspension or revocation.
  - (1) A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit. If the applicant and the site are in compliance with the requirements of this chapter and all other applicable laws,



ordinances and regulations, the permit shall be reinstated. The reinstated permit shall expire on the date of expiration of the previously-suspended permit.

- (2) If an exotic or wild animal permit is suspended or revoked, all animals received, purchased, owned or kept under the authority of the permit shall be surrendered to the county manager for impoundment. After a period of at least seven days, if the violations of this chapter which resulted in suspension or revocation of the permit have not been corrected, the county manager may sell or dispose of the animal(s) as provided in this chapter. The applicant may appeal the suspension or revocation in the manner provided in section 6-74 of this chapter.

(Ord. of 2-26-13)

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- (b) Hearings shall be conducted by a hearing officer at a time and place designated by the county manager and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time and place of the hearing shall be mailed to the applicant and the county manager.
- (c) The applicant shall be afforded a fair hearing which provides the basic safeguards of due process which shall include:
  - (1) The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the county manager that are relevant to the hearing. Any document not made available by the county manager, after written request by the applicant, may not be relied upon by the county manager at the hearing.
  - (2) The right to be represented by counsel or other persons chosen as his representative.
  - (3) The right to present evidence and arguments in support of his appeal to controvert evidence relied on by the county manager, and to confront and cross-examine all witnesses on whose testimony or information the county manager relies.
  - (4) A decision based solely and exclusively upon the facts presented at the hearing.
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(Ord. of 2-26-13)

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*(Ord. of 2-26-13)*

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*(Ord. of 2-26-13)*

**State law reference**— NMSA 1978, § 30-18-1.

**Federal Law Reference**— 7 USC § 2136.

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Chapter 6 - ANIMALS  
ARTICLE VIII. - PENALTIES

**Chapter 6 - ANIMALS** <sup>[15]</sup>

((15) **Cross reference**— Health and sanitation, ch. 42.

(15) **State Law reference**— General authority relative to *animals*, NMSA 1978, §§ 4-37-1, 3-18-3; *animals* generally, NMSA 1978, § 77-1-1 et seq.

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION

ARTICLE III. - ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES

ARTICLE IV. - PERMITS REQUIRED

ARTICLE V. - OWNER'S DUTIES

ARTICLE VI. - PROHIBITED ACTIVITIES

ARTICLE VII. - WILD ANIMALS; CANINE HYBRIDS

ARTICLE VIII. - PENALTIES

**ARTICLE I. - IN GENERAL**

Secs. 6-1—6-29. - Reserved.

Sec. 6-30. - Short title and legislative intent.

Sec. 6-31. - Definitions

**Secs. 6-1—6-29. - Reserved.**

**Sec. 6-30. - Short title and legislative intent.**

a. This chapter shall be known and may be cited as the "Bernalillo County Animal Care Services Ordinance."

b. It is the intent of the board of county commissioners that enactment of this chapter will protect *animals* from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of *animals* as pets, will assist in providing housing for *animals* in a control center and will partially finance the *animal care services* department's functions of housing, licensing, enforcement and recovery. It is the intent of the board of county commissioners to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this chapter.

(Ord. No. 2013- )

**Sec. 6-31. - Definitions**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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*Abandon* means to leave an *animal* for more than 24 hours without making effective provisions for its proper feeding and care.

*Adequate food* means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each *animal* in good health; is easily accessible to each *animal*; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each *animal*; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the *animal*, but at least once daily, except as prescribed by a *licensed veterinarian* or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*Adequate living area* means *adequate space for exercise* suitable to the age, size, species and breed of *animal* and includes *adequate shelter* and *shade independent of shelter*.

*Adequate shelter* means provision of and access to shelter that is suitable for species, age, condition, size and type of each *animal*; provides adequate space for each *animal*; is safe and protects each *animal* from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each *animal* to be clean and dry, except when detrimental to the species.

- (1) Shelter for *Companion Animals* shall consist of one of the following:
  - (a) Inside the residence of the *animal's* owner.
  - (b) A shelter that is an *enclosed* structure of appropriate dimensions for the breed and size of the animal, consisting of 4 sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.
    - i. The shelter shall be structurally sound and of solid construction with no cracks, open seams or holes and the entire structure shall be leak-proof.
    - ii. The shelter shall be maintained in good repair to protect the *animals* from injury.
    - iii. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
    - iv. The shelter shall contain suitable bedding as appropriate to species and suitable for the breed when the outdoor temperature is below 45 degrees unless the shelter is heated.
    - v. The shelter shall have adequate ventilation.
    - vi. The shelter shall be sufficient in size to allow each *animal* to stand up, turn around, lie down and stretch comfortably.
    - vii. The areas beneath a car, truck, mobile home or machinery do not qualify as shelter.
  - (c) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the *animal* from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the *animal*.

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(2) Shelter for *Livestock* shall also require that:

- (a) *Adequate shelter* for equines shall consist of, at minimum, two sides and a roof.
- (b) The shelter shall be sufficient in size to allow each *animal* to stand up, turn around, lie down, and stretch comfortably.
- (c) The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris.
- (d) The shelter shall contain suitable bedding as appropriate to species.
- (e) The shelter shall have adequate ventilation.

*Adequate space to prevent overcrowding* includes but is not limited to sufficient space to allow *animals* restrained together to be able to move freely, turn around and lie down without having to come into contact with another *animal* or the sides of the enclosure.

*Adequate space for exercise* for confined *animals* shall include but not be limited to provision within the *adequate living area* of space that enables the *animal* to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

*Adequate water* means constant access to a supply of unfrozen, *potable water*, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

*Animal* means any vertebrate member of the *animal* kingdom except humans.

*Animal care services* means the staff, facility, programs, shelter, lot, *premises*, and buildings maintained by the county for the implementation of the control and care of *animals*.

*Animal care services officer* means a Bernalillo County *Animal Care Services officer* or supervisor.

*Animal fighting paraphernalia* means equipment that any reasonable *person* would ascertain is used for *animal* fighting purposes which includes, but is not limited to: (1) instruments designed to be attached to the leg of a bird, such as a boxing gloves, knife, gaff, or other sharp instrument, (2) items to train and condition *animals* to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and (3) the presence of any *animal* that appears to be a fighting *animal* alone or together with *animals* suspected of being used as *bait animals* including but not limited to rabbits, cats, and other dogs.

*Bait animal* is an *animal* used to train and/or condition other *animals* to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other *animals* used or trained to be used in fighting or to make the attacking *animal* more confident and aggressive.

*Bite* means an actual puncture or tear of the skin inflicted by the teeth of an *animal*.

*Bona fide animal* show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and

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including conformation events or performance events such as obedience, agility, and tracking,

*Breeder* means a *person* who keeps, maintains or harbors any intact dog or cat for the purposes of *breeding*.

*Breeding* means permitting, either intentionally or unintentionally, a female dog or cat to produce offspring.

*Canine hybrid* means:

1. Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or
2. An *animal* represented by its owner to an *animal care services officer*, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or
3. Any *animal* which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

*Companion Animal* means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot bellied pigs.

*Confinement* means detainment or isolation of an *animal*.

*County* means the area within the jurisdictional boundaries of the *County* of Bernalillo, including privately owned land, excluding the area within the limits of any incorporated municipality or within the jurisdiction of the United States Government or the State of New Mexico.

*County manager* means the *County Manager* of Bernalillo *County* or his or her *designated representative(s)*.

*Dangerous animal* means any of the following:

1. An *animal* which, when unprovoked, engages in behavior that requires a defensive action by a *person* to prevent bodily injury to a *person* or another *animal* which is off the property of the owner of the *animal* in question; or
2. An *animal* which, when unprovoked, injures a *person* in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or
3. An *animal* which, because of its poisonous sting or *bite*, would constitute a significant hazard to the public.

*Designee or designated representative* means the *animal care services director* or other appropriate staff.

*Director* means the *Director* of the Animal Care Services Department of Bernalillo *County*.

*Enclosed* means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain *animals* within.

*Establishment* means a place of business together with its grounds and equipment.

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*Grooming parlor* means an *establishment* or part thereof maintained for the purposes of performing cosmetological services for *animals*.

*Guard dog* means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard *livestock*.

*Household* means the collection of individuals, related or not, who reside at one street address.

*Kennel* means a commercial *establishment* operating for intended profit where dogs or cats are boarded, kept, or maintained.

*Kennel area* is a secure space within which an *animal* is housed that is of sufficient height and strength to contain the *animal* within and provide sufficient room for the *animal* to comfortably move around within the structure.

*Licensed veterinarian* means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

*Livestock* means horses, cattle, pigs, sheep, goats, fowl, or any other domestic *animals* typically used in the production of food, fiber, or other products or activities defined by the *county manager* as agricultural.

*Multiple Animal Site* means any property where the number of dogs or cats owned, harbored or kept exceeds the number of *animals* allowed in Sec 6-42 of this ordinance and are not otherwise included within the definition of *professional animal site* or *shelter site*.

*Owner/Responsible Party* means a *person* 18 years of age or older or the parent or guardian of a *person* under 18 years of age who owns, harbors, keeps an *animal*, has one in his care, or permits an *animal* to remain on or about the *premises* owned or controlled by him.

*Person* means an individual, *household*, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

*Pet shop* means any *premises*, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of *animals* of any type, except the term shall not apply to *premises* used exclusively for the sale of *livestock*.

*Potable Water* means water that can be consumed without concern for adverse health effects.

*Premises* means a parcel of land and the structures thereon.

*Professional animal site* means any *kennel*, *grooming parlor*, or *pet shops*, with the exception of sites solely dedicated to *livestock*, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

*Qualified assistance animal* means:

1. A dog trained or being trained by a recognized school for training dogs to assist *persons* with disabilities; or



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2. An *animal* recognized as a service *animal* pursuant to the Americans with Disabilities Act of 1990; or
3. Any other *animal* approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a *person* with a disability.

*Quarantine* means detention and isolation of an *animal* in order to observe for rabies.

*Rabbit* as used in this ordinance may be either a *companion animal* or *livestock*.

*Research facility* means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in § 30-18-1 NMSA..

*Shade Independent of Shelter* includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or man-made structures that permit *animals* to be sheltered from direct sunlight in a manner that provides *adequate space to prevent overcrowding*.

*Shelter Facility* means a non-profit *animal* facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of *animals* allowed in Sec 6-42 or this ordinance.

*Shelter Site* means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of *animals* allowed in Sec 6-42 of this ordinance.

*Show animal* means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the *county manager*, and which is involved in *bona fide animal* shows.

*Sterilized* means to be rendered permanently incapable of reproduction.

*Stray* means an *animal* found running at large.

*To run or running at large* means any *animal* free from physical restraint beyond the boundaries of the owner's *premises*.

*Vaccination* means protection provided against rabies by inoculation with a vaccine as required by § 77-1-3 NMSA 1978 (1993 Repl.).

*Vicious animal* means an *animal* which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a *person* or domesticated *animal*. *Vicious animal* does not include an *animal* which *bites*, attacks or injures a *person* or *animal* that is unlawfully upon its owner's *premises*. The provocation of an *animal* by a *person* is an affirmative defense to a charge of keeping or harboring a *vicious animal*.

(Ord. No. 2013- )



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## ARTICLE II. - ADMINISTRATION

- Sec. 6-32. - Rules and regulations.
- Sec. 6-33. - Procedures for complaints.
- Sec. 6-34A - Procedure for county manager and animal care services officers.
- Sec. 6-34B - Waivers.
- Sec. 6-35. - Fees.
- Sec. 6-36. - County animal care services facilities.

### Sec. 6-32. - Rules and regulations.

Reasonable rules and regulations may be prescribed by the *county manager* to carry out the intent and purpose of this chapter, pursuant to standards created by this chapter. The *county manager* may delegate his powers to the *director* as he may deem expedient. The *director* may delegate such powers to the duly appointed *animal care services officers* as he may deem expedient. An *animal care services officer* shall wear a uniform and shall carry appropriate identification. Identification is to be surrendered to the county upon cessation of employment.

(Ord. No. 2013- )

### Sec. 6-33. - Procedures for complaints.

A complaint alleging any violation of this chapter may be filed with the *animal care services* department by a *person* who has personal knowledge of such violation and who can identify the owner of the *animal* involved or the *premises* where the *animal* is located. The *county manager* may require the complainant to provide his name and address and swear to and affirm the complaint.

It is unlawful for any *person* to intentionally make a report to the *county manager*, which that *person* knows to be false at the time of making it, alleging a violation by another *person* of any violation of the Bernalillo County Animal Care Services Ordinance.

(Ord. No. 2013- )

### Sec. 6-34.A - Procedure for county manager and animal care services officers.

- a. The *county manager*, *director* and *animal care services officers* shall have the authority, and are directed to investigate upon probable cause, any alleged violation of this chapter or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to *animals*.
- b. *Animal care services officers* are authorized to inspect *premises* as necessary to perform their duties. If the owner or occupant of the *premises* objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.
- c. Whenever the *county manager* has probable cause to believe that a *person* has violated this chapter, the *county manager* may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the *person* violating this chapter, the driver's license number of

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such violator, if known, the code section allegedly violated, and the date and place when and where such *person* allegedly committed the violation, and the location where such *person* shall appear in court and the deadline for appearance. The *county manager* shall present the citation to the *person* he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The *county manager* shall deliver a copy of the citation to the *person* promising to appear.

d. If the alleged violator refuses to give his written promise to appear, the *county manager* shall prepare a criminal complaint with the Bernalillo County Metropolitan Court.

(Ord. No. 2013- )

**Sec. 6-34B. - Waiver.**

- a. The county manager shall have the authority to grant waivers.
- b. Any person seeking a waiver pursuant to this ordinance shall file a written application with the county manager. The written application shall contain information which describes the ordinance section for which a waiver is requested and the reason for the waiver.
- c. In determining whether to grant or deny the application, the county manager shall balance the hardship to the applicant, the community and other persons of not granting the waiver against the potential adverse impact on the animals and residents affected.
- d. Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and subject the person holding it to those provisions of this chapter.
- e. Any person seeking a waiver shall indicate in his or her application to the county manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

(Ord. No. 2013- )

**Sec. 6-35. - Fees.**

Fees for licenses and permits required pursuant to this chapter shall be established and adopted through resolution by the board of county commissioners.

(Ord. No. 2013- )

**Sec. 6-36. - County animal care services facilities.**

- a. There are established one or more county *animal care services* facilities which shall be located in such numbers and at such sites as shall be designated by the board of county commissioners.
- b. The *animal care services* facilities shall be operated to provide service to the general public during the hours set by the *county manager*.
- c. Waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the waiver shall terminate it and

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subject the person holding it to those provisions of this chapter.

d. Any person seeking a waiver shall indicate in his or her application to the County manager the specific reason why he or she should not be required to meet the established ordinance criteria. The applicant shall also include a written statement that he or she has personally contacted all residents of properties within 400 feet of the property in question and none oppose the waiver being requested.

(Ord. No. 2013- )

### ARTICLE III. - ANIMAL CARE SERVICES IMPOUNDMENT PROCEDURES

Sec. 6-37. - Impounding animals.

Sec. 6-37A. - Seizure of animals, excluding livestock.

Sec. 6-37B. - Seizure of livestock.

Sec. 6-38. - Retention of strays or owner-surrendered animals.

#### **Sec. 6-37. - Impounding animals.**

a. An *animal care services officer* may take up and impound in any designated *animal care services* facility a *stray* or any *animal* kept or maintained contrary to the requirements of this chapter.

1. The *animal* may be confined in accordance with the facilities regulations.
2. The *owner/responsible party* shall be responsible for all impound fees, boarding fees, and other costs whether or not the *animal* is reclaimed.
3. An unsterilized *animal* reclaimed by its owner shall be released without being *sterilized* upon payment of at least \$25.00 for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the *animal* within 30 days after release or will obtain a *breeder* permit, intact permit, or its equivalent.
4. Any *stray* which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.

b. An *animal care services officer* may take up and impound in any designated *animal care services* facility a *stray* or any *livestock* kept or maintained contrary to the requirements of this chapter.

1. The *owner/responsible party* shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.
2. The *animal care services* department may require inspection of enclosures for *livestock* and the living conditions of *animals* kept outdoors prior to reclaim.
3. The *county manager* is hereby authorized to place for adoption unclaimed *livestock* that has been impounded by the county and to execute adoption papers to the purchaser at the end of a ten-day waiting period.

(a) Adoption of large *livestock* may be done after submitting a sealed bid to the *animal care*

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*services* department.

(b) Adoption of small livestock may be done after paying an adoption fee to the *animal care services* department.

c. The *director* shall maintain, for a reasonable period of time or as required by statute, a record of all *animals* impounded. At least the following information shall be included:

1. A complete description of the *animal*;
2. The manner and date of its acquisition;
3. The date, manner, and place of impoundment;
4. The impoundment number;

d. Owners requesting removal of an *animal* shall be required to sign an owner's release at the time of impoundment.

e. If a *stray animal* is not wearing a current rabies tag and is deemed critically injured or critically ill an *animal care services officer* may deliver the *animal* to a *licensed veterinarian* for euthanization. A report must be filed with the *county manager*.

f. Whenever the *county manager* finds that any *animal* is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or *person* responsible for the care of such *animal*, the *county manager* may take up such *animal* for protective care. The owner of the *animal* may reclaim the *animal* after paying all required fees and costs imposed by the impound facility. If the *animal* is unclaimed at the end of the protective custody period, the *animal* may be humanely destroyed or otherwise disposed of by the impound facility.

(Ord. No. 2013- )

**State law reference—** Sterilization agreement and sterilization deposit required, NMSA 1978, § 77-1-20.

**Sec. 6-37A. - Seizure of animals, excluding livestock.**

a. A peace officer or *animal care services officer* who reasonably believes that the life or health of an *animal* is endangered due to violation of any provision in this chapter may apply to the district court, magistrate court, or the metropolitan court for a warrant to seize the *animal(s)*.

b. If the court finds probable cause that the *animal's* life or health is endangered as a result of the violation of any provision of this chapter, the court shall issue a warrant for the seizure of the *animal*. The court shall also schedule a hearing on the matter as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time.

c. Written notice regarding the time and location of the hearing shall be provided to the owner of the seized *animal*. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

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d. If the owner of the *animal* cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the *animal* is seized at the time the seizure occurs.

(Ord. No. 2013- )

**State law reference—** Seizure of Animals, NMSA 1978, § 30-18-1.1 (1999)

**Sec. 6-37B. - Seizure of livestock.**

a. A peace officer or *animal care services officer* who reasonably believes that the life or health of *livestock* is endangered because of the violation of any provision in this chapter may apply to district court, magistrate court, or the metropolitan court for a warrant to seize the allegedly endangered *livestock*.

b. On a showing of probable cause to believe that the life and health of *livestock* is endangered as a result of the violations of any provision of this chapter, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the county demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those *livestock* allegedly being kept in a manner that their life or health is endangered. The *animal care services* department shall establish procedures for preserving evidence of violations of this chapter.

c. The court executing the warrant shall notify the *animal care services* department, have the *livestock* impounded, and give written notice to the owner of the *livestock* of the time and place of the court hearing.

d. After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the *livestock* by violating any provision contained in the chapter, the court shall order the impoundment of the *livestock* until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this chapter, the court shall order the *livestock* returned to the owner.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**State law reference—** *Livestock* code, NMSA 1978, § 77-18-2 (1999)

**Sec. 6-38. - Retention of strays or owner-surrendered animals.**

a. No *person* shall, without the knowledge and consent of the owner, hold or retain possession of any *animal* for more than 24 hours without first reporting the possession of the *animal* to the *animal care services* department.

1. The report shall contain the *person's* name and address, a true and complete statement of the circumstances under which he took up the *animal*, and the precise location where the *animal* is confined.

2. No *person* having such an *animal* in his possession shall refuse to immediately surrender the *animal* to an *animal care services officer* upon demand.

3. Any *stray animal* identified by microchip or any other identification must be called into the Animal Care Services Department.

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(Ord. No. 2013- )

#### ARTICLE IV. - PERMITS REQUIRED

- Sec. 6-39. - General provisions.
- Sec. 6-39A. – Site Permit Requirements.
- Sec. 6-39B. – Breeder Permit.
- Sec. 6-39C. – Litter Permit
- Sec. 6-39D. – Requirements for Sale of Offspring.
- Sec. 6-39E. – Guard Dog
- Sec. 6-39F. – Intact Animal Permit.

##### Sec. 6-39. - General provisions.

- a. Valid permits are required to operate a *Multiple Animal Site*, *Professional Animal Site*, or *Shelter Site*, breed dogs or cats, have a litter of dogs and cats, possess a *guard dog* or possess an intact dog or cat that has been impounded as a *stray*. A *person* may obtain a permit under the following conditions:
  1. Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at the office of the *Animal Care Services Department*. Failure to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.
  2. *Multiple Animal Site*, *Professional Animal Site* and *Shelter Site* permits require a demonstration of a certification of zoning and land use from the Bernalillo County Zoning Department.
  3. Upon presenting proper identification and with notice, an *animal care services officer* shall be allowed access to any *Multiple Animal Site*, *Professional Animal Site* or *Shelter Site* for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.
  4. Permits must be posted in a conspicuous place on the permitted *premises* and are nontransferable.
  5. All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Bernalillo County Business License Ordinance.

(Ord. No. 2013- )

##### Sec. 6-39A. –Site Permit Requirements

1. *Multiple Animal Sites*, *Shelter Sites* and *Professional Animal Sites* are required to meet all other provisions of the Bernalillo County *Animal Care Services Ordinance* and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.
2. The *kennel area* shall be kept clean and sanitary in a way that protects *animals* from disease and injury. *Animals* shall be protected from cleaning agents during cleaning. Provisions shall be made to remove *animal* and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this ordinance. Disposal shall be



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made so as to minimize vermin infestation, odors and the spread of disease.

3. *Kennel area* buildings and fences shall be structurally sound and kept in good repair to keep *animals* clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state and county regulations and kept in good repair.

4. Fresh air in *kennel area* buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.

5. Each *animal* shall be kept in compatible groups and have *adequate space to prevent overcrowding*. *Kennel areas* holding cats must contain an adequate number of litter boxes.

6. All animals housed in the *kennel area* shall be provided with an *adequate living area*.

7. Unsterilized female *animals* shall be segregated when in estrous except for *breeding* purposes.

8. Each *animal* shall be observed daily by the *person* named on the permit or his/her *designee*. Any *animal* in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured *animals* shall be segregated from other *animals* based on veterinary recommendations to prevent disease spread or further injury.

9. Insects, parasites and rodents shall be controlled.

10. A valid rabies certificate signed by a *licensed veterinarian* shall be present for each dog and cat housed at the *kennel* facility.

11. Records of *animal* inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an *animal care services officer*.

(Ord. No. 2013- )

#### **Sec. 6-39B. – Breeder Permit**

a. No *person* shall keep, maintain or harbor any intact dog or cat for the purposes of *breeding* without a *Breeder* Permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.

b. A female dog or cat shall have no more than one litter in any consecutive 12 month period.

c. Upon presenting identification and with notice an *animal care services officer* shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

(Ord. No. 2013- )

#### **Sec. 6-39C. – Litter Permit**

a. The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a *Breeder* Permit is required to obtain a Litter Permit for each litter.

b. Subsequent to the issuance of a Litter Permit, the permitted *animal* shall be *sterilized* within 120 days of the issuance of the litter permit.

(Ord. No. 2013- )

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**Sec. 6-39D. – Requirements for Sale of Offspring**

- a. No *person* shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or *breeder* permit number to any potential recipient upon request.
- b. Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or *breeder* permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this chapter.

(Ord. No. 2013- )

**Sec. 6-39E. – Guard Dog Permit**

- a. No *person* shall use a *guard dog* without a valid permit. A *person* may obtain a *guard dog* permit under the following conditions:
  1. Submission of an application which shall include sufficient information to identify the name and address of the owner of the commercial property and the name and address of the owner of the *guard dog*, and payment of an annual *guard dog* permit fee at the office of the *Animal Care Services* Department; and
  2. *Guard Dog* permit holders are required to meet all other provisions of the Bernalillo County *Animal Care Services* Ordinance and the area where the *guard dog* is to be used shall be secured in such a manner as to prevent its escape.
    - (a) The doors, windows, and all openings to the outside of a building in which a *guard dog* is on duty shall be secured to prevent its escape.
    - (b) An outdoor property holding a *guard dog* shall be completely *enclosed* by a fence at least six feet in height and shall effectively contain the *animal* at all times.
- b. The property using a *guard dog* shall be posted with warning signs at least 12 inches long on each side.
  1. The warning signs shall state "*guard dog*" and "guardia" and shall show a picture of an aggressive dog.
  2. The warning signs shall be posted not more than 200 feet apart on the exterior of the fences and walls surrounding the property and shall be posted at all exterior corners of the site and at every entrance to the site.
- c. A *guard dog* shall have a current rabies tag and a valid license tag securely affixed to its collar or harness.

(Ord. No. 2013- )

**Sec. 6-39F. - Intact animal permit.**

- a. Any *person* having a *stray* unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact *animal* permit or have the *animal* *sterilized* within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof that they possess a current county license and rabies *vaccination* for the *animal*. The permit will be renewed annually until

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proof of sterilization has been provided to the *Animal Care Services* Department.

- b. Any *animal* found running at large twice shall be *sterilized* within 30 days of the second offense.
- c. An intact *animal* permit is required to keep a dog or cat exempt from being *sterilized* as mandated by applicable law when released prior to impound from an *animal* shelter.

(Ord. No. 2013- )

## ARTICLE V. - OWNER'S DUTIES AND PROHIBITED ACTIVITIES

- Sec. 6-40. - Animals biting persons.
- Sec. 6-41. - Animal license.
- Sec. 6-42. - Number of animals allowed.
- Sec. 6-43. - Restraint of Animals.
- Sec. 6-44. - Vaccinations.
- Sec. 6-45. - Abandonment.
- Sec. 6-46. - Admission of qualified assistance animals to public places.
- Sec. 6-47. - Animals disturbing the peace.
- Sec. 6-48. - Animals killing or injuring livestock or protected wildlife.
- Sec. 6-49 – Reserved.
- Sec. 6-50. – Animal Poisoning.
- Sec. 6-51. - Animals running at large.
- Sec. 6-52. - Injury to animals by motorists.
- Sec. 6-53. - Animals transported in vehicles.
- Sec. 6-54. - Animal waste.
- Sec. 6-55. - Breaking into animal care services facilities or vehicles.
- Sec. 6-56a. - Care and maintenance – Companions animals.
- Sec. 6-56b. - Care and Maintenance- Livestock.
- Sec. 6-57. - Confinement of female dogs or cats in mating season.
- Sec. 6-58. - Cruelty to animals.
- Sec. 6-59. - Fights.
- Sec. 6-60. - Fowl; impounding or crating.
- Sec. 6-61. - Hobbling.
- Sec. 6-62. - Interference with the county manager in the performance of his duties.
- Sec. 6-63. - Keeping a seriously sick or injured animal.
- Sec. 6-64. - Sale and display of animals.
- Sec. 6-65. - Sterilization agreements/contracts.
- Sec. 6-66. - Unlawful use of rabies tag.
- Sec. 6-67. - Vicious or dangerous animals.

### Sec. 6-40. - Animals biting persons.

- a. The owner of an *animal* that *bites* a *person* and a *person* bitten by an *animal* shall report that occurrence to the *animal care services* department within 24 hours of the occurrence. The owner of an

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*animal* that bites a *person* shall surrender said *animal* to an *animal care services officer* if the *officer* deems it necessary to impound said *animal* for a period of *quarantine* no less than 10 days from the day of the *bite*.

b. A physician who renders professional treatment to a *person* bitten by an *animal* shall report to the *county manager* that he has rendered professional treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the *person* bitten as well as the type and location of the *bite*. The physician shall report the name and address of the owner of the *animal* that inflicted the *bite*, if known, and any other facts or details that may assist the *animal care services* in ascertaining the immunization status of the *animal*.

c. An *animal* that bites a *person* shall be confined securely at a place and for a period of time deemed necessary by the *animal care services officer*. The owner of the *animal* shall bear the cost of *confinement*.

d. If the owner is unwilling or unable to *quarantine* the *animal*, the *animal care services officer* may impound the *animal* into protective custody for the period of the *quarantine* and the owner shall pay all related costs of the impoundment prior to reclaiming the *animal*.

e. The *animal care services officer* may consent to *quarantine* the *animal* on the owner's *premises*. The *premises* where the home *quarantine* is to occur shall be inspected and approved for such purpose by the *animal care services officer*. The owner of the *animal* shall be required to enter into an indemnity agreement on a form approved and prescribed by the *county manager* for such home *quarantine*.

f. If the *animal* shows signs of sickness, abnormal behavior, or if the *animal* escapes *quarantine*, the *person* having custody of the *animal* shall immediately notify the *animal care services* department. The *person* having custody of an *animal* that dies during the *quarantine* period shall notify the *animal care services* department and surrender the carcass of the *animal* to an *animal care services officer*.

g. It is unlawful to violate the conditions of *quarantine*. If an *officer* deems it necessary to impound an *animal* for *quarantine* for violation of the above conditions and/or severity of the *bite*, the owner cannot remove the *animal* from observation until the *quarantine* period is complete. The owner shall bear the cost of the impoundment.

h. It is unlawful for a *person* to keep an *animal* reported to have bitten any *person* on two unprovoked separate incidents. The owner has a duty to destroy said *animal* humanely or surrender such an *animal* to the *animal care services* department for proper humane euthanization.

(Ord. No. 2013- )

**Sec. 6-41. - *Animal* license.**

a. It is unlawful for any *person* to own or harbor a dog, cat, or ferret over the age of three months without obtaining a license for such *animal*. *Persons* who are not county residents and who keep such an *animal* in the county for less than 30 consecutive days shall be exempt from this license requirement.

b. Applications for licenses shall be made on forms provided by the *animal care services* department. All applications shall include the name of the legal owner of the *animal*, the mailing address and physical address of the owner. It is unlawful for any *person* to knowingly falsify information concerning *animal*

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ownership, the owner's address, *animal* description, or any other information required on the application.

- c. Licenses shall be purchased for one year. A three-year license may be purchased for a dog, cat, or ferret if the *animal* has a current three-year rabies certificate, which is good for at least two-thirds of the licensing period. A one-year or three-year license must be renewed upon its expiration date. Failure to renew the license within 30 days of the expiration date shall result in the assessment of a penalty fee in addition to the cost of the license.
- d. A current rabies certificate must be presented at the time of applying for a license.
- e. Pet identification is mandatory. The method of identification shall include a microchip.
- f. The current license tag shall be securely affixed to the collar or harness which shall be worn by a dog, cat or ferret unless the animal is being housed in a *kennel* or veterinary hospital, or appearing in a *bona fide* animal show, or is being trained; provided, however, that the *person* who is training the *animal* shall have in his personal possession proof of a valid license for each *animal* and shall immediately display the license upon request by the *animal care services* department.
- g. Identification methods must be kept up to date and current with owner information.
- h. License tags shall not be transferred from *animal* to *animal*.
- i. Proof of qualification for a license for a *sterilized animal* can only be made with a written certification from a *licensed veterinarian* stating that the *animal* has been neutered or spayed.
- j. The license fee shall not apply to qualified service *animals*. All other licensing requirements shall apply.

(Ord. No. 2013- )

**Sec. 6-42. - Number of *animals* allowed.**

a. No *person* or *household* shall own, harbor or keep more than a combined total of four dogs, cats or any combination thereof over the age of three months without, *multiple animal site* permit, or shelter permit.

1. A *household* may have up to six dogs, ~~or~~ cats or any combination thereof provided that all of the *animals* shall be *sterilized* without a *multiple animal* permit or shelter permit.

(a) For number of *animal* (section 6-44(a)(1)) purposes a medical waiver certificate may be acceptable in cases when the sterilization of an *animal* would pose a substantial threat to the health of the *animal*. The certificate shall be on official letterhead from a *licensed veterinarian* and shall contain the name and address of the owner of the *animal*, a description of the *animal*, the medical condition prohibiting sterilization, and the date upon which the *animal* may be *sterilized*. A medical waiver certificate must be resubmitted annually. This does not waive the unsterilized license fee.

(Ord. No. 2013- )

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**Sec. 6-43. - Restraint of Animals.**

a. A *person* owning or having charge, custody, care, or control over a *companion animal*, shall keep the *animal* upon his or her own *premises* within a secure *enclosed* pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a *companion animal* as a form of *confinement*.

1. Fixed point tethering of any *companion animal* to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another *animal* and only when the owner is immediately present.

2. A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the *person* with the dog is capable of controlling the dog. All other *animals* must be secured in a fashion acceptable for the species of *animal*. A *person* physically capable of controlling and restraining the *animal* must exercise immediate custody. This section does not apply when an *animal* is participating in a *bona fide animal* show authorized by the county or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(Ord. No. 2013- )

**State law reference—** Authority to prohibit the running at large of *animals*, NMSA 1978, §§ 4-37-1, 3-18-3(A)(2), 77-1-12; Dangerous Dog Act, NMSA 1978, §§77-1A-1 to 77-1A-6.

**Sec. 6-44. - Vaccinations.**

a. It is the duty of any *person(s)* owning or keeping a dog, cat, or domestic ferret over the age of three months to have the *animal* vaccinated against rabies as prescribed by § 77-1-3 NMSA 1978 as amended. The *county manager* may require that other *animals* have annual rabies vaccines.

b. The veterinarian administering anti-rabies vaccines to any *animal* shall issue the owner or keeper of the *animal* a numbered *vaccination* certificate. The certificate shall contain the name and address of the owner of the *animal*, a description of the *animal* vaccinated, the date of *vaccination*, and the date immunity expires and the microchip number.

c. The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number. A current rabies tag shall be affixed by the owner or keeper to a collar or harness worn by the *animal* at all times unless the *animal* is being kept in an approved *kennel* or veterinary hospital, is being trained by a professional trainer or is appearing in an approved show.

d. It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of *vaccination* upon demand by the *county manager*. This subsection does not apply to any *animal* under control of the Albuquerque Municipal Zoo or shelters.

e. For licensing purposes a medical waiver certificate may be acceptable in cases when the rabies *vaccination* of an *animal* would pose a substantial threat to the health of the *animal*. The certificate shall be on official letterhead from a *licensed veterinarian* and shall contain the name and address of the owner

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of the *animal*, a description of the *animal*, the medical condition prohibiting *vaccination*, and the date upon which a *vaccination* may be given. A medical waiver certificate must be resubmitted annually.

(Ord. No. 2013- )

**Cross reference—** Health and Sanitation, Ch. 42.

**State law reference—** Rabies Control Generally, NMSA §§ 77-1-5, 77-1-6, 77-1-10.

**Sec. 6-45. - Abandonment.**

It is unlawful for a *person* to *abandon* an *animal*. Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harbinger, keeper, holder or possessor of such cats.

(Ord. No. 2013- )

**Sec. 6-46. - Admission of qualified assistance animals to public places.**

Notwithstanding any other provision of law, a *qualified assistance animal* shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the *qualified assistance animal* is under the control of a *person* with a disability or a trainer of assistance *animals*. No *person* shall be required to pay any additional charges for his *qualified assistance animal*, but shall be liable for any damage done by his *qualified assistance animal*.

(Ord. No. 2013- )

**State law reference—** Similar provisions, NMSA 1978, §§ 28-11-2 through 28-11-4.

**Sec. 6-47. - Animals disturbing the peace.**

- a. It is unlawful for a *person* to allow an *animal* to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the county.
- b. It is unlawful to keep or maintain an *animal* in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(Ord. No. 2013- )

**Cross reference—** Noise by *animals* and fowl, § 30-20-1; offenses against public peace and order.

**Sec. 6-48. - Animals killing or injuring livestock or protected wildlife.**

- a. It is unlawful for a *person* to keep an *animal* known to have killed or injured *livestock* or protected wildlife. The owner has a duty to destroy said *animal* humanely or surrender such an *animal* to the *animal care services* department for proper humane euthanization upon the order of the court.
- b. An owner of *livestock* shall have the right to kill an *animal* that has injured or killed *livestock* or

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protected wildlife while it is upon property controlled by the owner of the *livestock*.

(Ord. No. 2013- )

**State law reference—** Dogs Killing or Injuring *Livestock*, NMSA 1978 § 77-1-2.

(Ord. No. 99-4, 4-6-99; Ord. No. 2008-15, 12-9-08, eff. 6-6-09)

**Sec. 6-49. – Reserved**

(Ord. No. 2013- )

**Sec. 6-50. - Animal poisoning.**

- a. It is unlawful for a *person* to make accessible to any *animal*, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.
- b. This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(Ord. No. 2013- )

**Sec. 6-51. - Animals running at large.**

- a. It is unlawful for a *person* to allow or permit any *animal* to run at large in or on any alley, street, sidewalk, vacant lot, public property, other *unenclosed* place in the county, or private property without the permission of the property owner.
- b. An *animal* permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such *animal* may be taken up and impounded. An *animal care services officer* may go upon private property in pursuit of an *animal* which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An *officer* may not enter a private building or residence in pursuit of an *animal*.
- c. A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.
- d. It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any *animal* to run at large upon the common areas of the multiple dwelling unit.

(Ord. No. 2013- )

**Sec. 6-52. - Injury to animals by motorists.**

Every operator of a motor or self-propelled vehicle upon the streets and ways of the county shall immediately upon injuring, striking, maiming or running down any *animal* provide immediate notification



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to the *county manager*, furnishing sufficient facts relative to the incident. Such *animal* shall be deemed an uncared for *animal* within the meaning of section 6-37(e) of this chapter. Emergency vehicles are excluded from this provision.

(Ord. No. 2013- )

**Sec. 6-53. - Animals transported in vehicles.**

a. It is unlawful for a *person* to carry an *animal* in or upon any vehicle in a cruel, inhumane, or unsafe manner. *Animals* carried in the open bed of a truck must be in a crate that is securely fastened to the truck.

b. If an *animal care services officer* determines that an *animal* in a closed vehicle is in immediate danger of serious injury or death, the *officer* may enter the vehicle, by whatever means necessary, and impound the *animal* into protective custody.

(Ord. No. 2013- )

**Sec. 6-54. - Animal waste.**

It is unlawful to permit a *companion animal* to defecate on public or private property other than the property of the owner of the *animal* unless such *animal* waste is immediately removed and properly disposed of by the *person* having custody of the *animal*.

(Ord. No. 2013- )

**Sec. 6-55. - Breaking into animal care services facilities or vehicles.**

It is unlawful for a *person* to break into any *animal* center, facility, or vehicle wherein *animals* are impounded, or to in any manner remove or assist in the removal of any *animal* or equipment from such.

(Ord. No. 2013- )

**Sec. 6-56a. - Care and maintenance. (Companion Animals).** Every *person* who owns or who has charge, care or custody of an *animal* shall comply with each of the following requirements:

- (1) Each *animal* shall be supplied *adequate food, adequate water, and adequate space to prevent overcrowding.*
- (2) All *animals* are to be provided *adequate living area and adequate space to prevent overcrowding and adequate space for exercise.* All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- (3) No *animal* shall be left unattended for more than twenty-four hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- (5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the *animal* from adverse weather conditions. An *animal* shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No *animal* shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a *licensed veterinarian*.
- (6) The *owner* or custodian shall provide regular basic, necessary, and emergency professional

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veterinary care when needed. The *owner* or custodian shall take an *animal* to a *licensed veterinarian* within a time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.

(7) All *animals* kept outdoors shall be provided with *adequate shelter*, accessible at all times, to the *animal*.

(Ord. No. 2013- )

**Sec. 6-56b. - Care and maintenance. (Livestock).** Every person who owns or who has charge, care or custody of an *animal* defined under the ordinance as *livestock* shall comply with each of the following requirements:

- (1) Each *animal* shall be supplied an *adequate living area, adequate food, adequate water, and adequate space to prevent overcrowding*.
- (2) All areas where an *animal* is confined and all *animal* buildings or enclosures shall be maintained in a clean and sanitary condition.
- (3) No *animal* shall be without attention for more than twenty-four hours.
- (4) No condition shall be maintained or permitted that is, or could be injurious to the *animal*.
- (5) The *owner/responsible party* shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an *animal* to a *licensed veterinarian* within the time frame indicated for an examination and adhere to recommended treatment if the *Director* or his agent finds this is necessary in order to maintain the health of the *animal*, and so orders.
- (6) All *livestock* primarily confined to one acre or less shall be provided with *adequate shelter*.
- (7) During the spring and summer, *animals* shall have easy access to sufficient shade to comfortably include all *animals* present.
- (8) Housing facilities for *animals* shall be structurally sound and shall be maintained in good repair to protect the *animals* from injury.

(Ord. No. 2013- )

**Sec. 6-57. - Confinement of female dogs or cats in mating season.**

- a. A *person* in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female *animal*, except for intentional *breeding* purposes.
- b. It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Ord. No. 2013- )

**Sec. 6-58. - Cruelty to animals.**

- a. It is unlawful for a *person* to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any *animal*, except that reasonable force may be used to



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drive off vicious, dangerous or trespassing *animals*.

b. It is unlawful for a *person* to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an *animal* in an *enclosed* environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an *animal*, or otherwise endanger an *animal's* well-being. Procedures completed by a *licensed veterinarian* in accordance to their standard practices shall not be considered cruelty.

(Ord. No. 2013- )

**Sec. 6-59. - Fights.**

a. It is unlawful for a *person* to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more *animals* are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other *animal*.

1. It is unlawful for any *person* to sell, receive, possess, transport, loan, or give away any *animal fighting paraphernalia*.

2. It is unlawful for any *person* to raise, train, condition, sell, receive, possess, transport, loan, or give away *animals* for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of Bernalillo County.

3. No *person* shall provoke or entice an *animal* from the property of its owner for the purpose of engaging the *animal* in an *animal* fight.

b. Nothing in this section shall prohibit a *person* from engaging in legal hunting practices as allowed by state wildlife authorities.

(Ord. No. 2013- )

**State law reference—** Dog Fighting and Cockfighting, NMSA 1978 § 30-18-9.

**Sec. 6-60. - Fowl; impounding or crating.**

It is unlawful for a *person* to confine any wild or domestic fowl or birds unless provisions are made by such *person* for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No *person* shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(Ord. No. 2013- )

**Sec. 6-61. - Hobbling.**

a. It is unlawful for any *person* to hobble, tether, or stake *livestock* or other *animals* by any means which may cause injury or damage to said *animal*.

b. It is unlawful for any *person* to hobble, tether, or stake *livestock* or other *animals* so that they become

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entangled or are prevented access to any and all care and maintenance items required by section 6-58 of this chapter.

(Ord. No. 2013- )

**Sec. 6-62. - Interference with the county manager in the performance of his duties.**

- a. No *person* shall attack, assault or in any way threaten or interfere with the *county manager* in the performance of the duties required by this chapter.
- b. No *person* shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an *animal care services officer* in the legal performance of his or her duties.
- c. No *person* shall interfere with or tamper with any equipment used by *animal care services officers*, including release of *animals* contained in such equipment.
- d. No *person* shall engage in conduct that would agitate, obstruct, oppose, or distract an *animal care services officer* in the legal performance of his or her duties.

(Ord. No. 2013- )

**Sec. 6-63. - Keeping a seriously sick or injured animal.**

- a. It is unlawful for a *person* to have, keep or harbor an *animal* which is seriously sick or injured, including starvation, without providing proper veterinary care.
- b. The *county manager* may require the owner to provide a letter of health evaluation from a *licensed veterinarian* describing the condition of the *animal* and the treatment provided. The *animal care services* department may utilize a standard body scoring system to evaluate the condition of an *animal*.
- c. In the absence of proper veterinary care, the *county manager* may impound such a seriously sick or injured *animal* in accordance with the provisions of this chapter.
- d. Any such *animal* impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(Ord. No. 2013- )

**Sec. 6-64. - Sale and display of animals.**

- a. A *person* shall only sell, offer for sale, barter, give away or otherwise dispose of an *animal* at the physical address listed on the appropriate permit issued by the *county manager*. Shelters shall be allowed off-site adoption events, with permission of site owner and while preserving appropriate care and maintenance of *animals*.
- b. No *person* shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.

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- c. No *person* shall offer an *animal* as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.
- d. *Animal* exhibits.
1. No *person* shall operate, conduct, or maintain a permanent or temporary commercial *animal* show, circus, *animal* exhibition, *animal* ride, petting zoo or carnival without first having obtained a permit from the *animal care services* department. Conditions for permit approval include provisions for the humane care and treatment of the *animals* and the protection of public safety. Permits shall not be issued upon verification that the applicant has been convicted of charges of *animal* cruelty, abuse, or neglect, or has violated the Federal *Animal* Welfare Act.
  2. No *person* shall operate, conduct or maintain any *animal* exhibit under conditions that pose a danger to the public or the *animals*. Specific requirements shall be available upon request to the *animal care services* department.
  3. The following are exempt from the requirements of this section:
    - (a) Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.
    - (b) Events sponsored by a municipal zoo or aquarium facility.
    - (c) Competitive sporting events.
  4. *Persons* involved in these exempt activities shall comply with all other applicable sections of this chapter.
- e. Sale of live *companion animals* at *pet shops* is prohibited unless the *pet shop* has an approved *Professional Animal site* permit. Sale of rabbits, cats or dogs in pet shops is prohibited.
- f. The sale of *rabbits* for purposes other than as a *companion animal*, which are not otherwise prohibited under this ordinance, is allowed. There shall be a seasonal exception for the sale of live *rabbits* in all pet shops, feed stores, and bait shops during the months of March and April.

(Ord. No. 2013- )

**Sec. 6-65. - Sterilization agreements/contracts.**

It shall be unlawful for a *person* to possess any unsterilized *animal* when such *animal* is required to be *sterilized* under the terms of any applicable sterilization agreement or contract.

(Ord. No. 2013- )

**Sec. 6-66. - Unlawful use of rabies tag.**

It is unlawful for any *person* to remove or transfer any rabies tag from one *animal* to another. It is unlawful for any *person* to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged *animal* license tag, rabies tag, *vaccination* certificate or other form

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of licensing or permitting required under this chapter.

(Ord. No. 2013- )

**Sec. 6-67. - Vicious or dangerous animals.**

- a. It is unlawful for any *person* to keep or harbor a *vicious animal*. When an *animal care services officer* has probable cause to believe that an *animal* is vicious, the *officer* may take up and impound the *animal* into protective custody awaiting appropriate court proceedings. Following judicial determination that an *animal* is vicious, the court having jurisdiction over the enforcement of this chapter, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such *vicious animal* to destroy it humanely or turn such *animal* over to the *county manager* or for destruction.
- b. It shall be unlawful to maintain a *dangerous animal* in a manner which constitutes a threat to any *person* or other *animal*.
- c. Any dog that is deemed dangerous by admission of owner or by court determination shall register the dog with *animal care services* by obtaining a dangerous dog permit. The owner shall comply with all registration and handling requirements as listed in the New Mexico State Statute 77-1A-5.

(Ord. No. 2013- )

**State law reference—** *Vicious Animals*, NMSA 1978 §77-1-10)

**ARTICLE VII. - WILD ANIMALS; CANINE HYBRIDS**

Sec. 6-68. - Wild animals.

Sec. 6-69. - Canine hybrids.

**Sec. 6-68. - Wild animals.**

- a. It shall be unlawful for a *person* to own, harbor, keep or exhibit on any private or public property in the county any wild *animal* of a species that in its natural life is dangerous or ferocious. Such *animals*, though they may be trained and domesticated, remain a danger to others, and include:
  1. Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.
  2. Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.
  3. All bears (ursidae), including grizzly bears, black bears, brown bears, etc.
  4. Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.
  5. Primates (hominidae), including all non-human great apes other than qualified service *animals*.
  6. Skunks.

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7. Bats.
8. Non-indigenous poisonous snakes.
9. Alligators, crocodiles, caimans, or poisonous lizards.
10. Venomous fish and piranha.
11. Elephants (elephantidae).

b. This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.

c. Any *person* who lawfully holds or keeps a wild *animal* as defined in this section in the unincorporated areas of the county prior to April 6, 1999, may maintain that individual *animal* until its death under the following conditions:

1. Submission of an application for a wild *animal* permit to the county within 60 days of the effective date of this chapter and payment of the annual permit fee.
2. Provision of adequate facilities to prevent the *animal* from escaping, injuring the public, or creating a public nuisance.
3. Compliance with all applicable requirements set forth in this chapter.
4. No additional wild *animals* may be added to the *premises* by acquisition or *breeding* as of April 6, 1999.

(Ord. No. 2013- )

**State law reference—** Predatory Wild Animals, NMSA 1978, § 77-15-1 et seq.

**Sec. 6-69. - Canine hybrids.**

- a. No *person* shall purchase, sell, offer for sale, or advertise for sale any *animal* that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.
- b. No *person* shall possess a *canine hybrid* without a valid *canine hybrid* permit. A *person* may apply for such a permit under the following conditions:
  1. Submission of a permit application.
  2. Submission of written proof from a *licensed veterinarian* that all *animals* over the age of six months for which a permit is requested have been spayed or neutered.
  3. All owners of permitted property shall grant reasonable access to permitted *premises*. Upon presenting proper identification and at a reasonable hour, a representative of the *animal care services* department shall be allowed access to any permitted *premises* for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation

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of other applicable laws, regulations, and ordinances.

4. Payment of the annual permit fee.

c. A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all *animals* to the property of the owner. An *animal care services officer* shall determine the adequacy of the enclosure.

A minimum livable area of 400 square feet must be provided for up to two *canine hybrids*, with an additional 100 square feet per *animal* for each additional hybrid. An exception to this subpart may be granted if the *animal* owner submits a written plan of adequate housing and exercise to the *animal care services* department and such plan is approved by the department.

d. A *canine hybrid* permit will not be issued for the ownership of more than four *canine hybrids*.

e. Each *canine hybrid* must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's *premises*. While off of the owner's *premises* the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a *person* physically capable of controlling and restraining the *animal*.

f. Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this chapter.

(Ord. No. 2013- )

## ARTICLE VIII. - PENALTIES

Sec. 6-70. - Penalty.

Sec. 6-71. - Suspensions, revocations of permits.

Sec. 6-72. - Appeal procedures for permit denial, suspension or revocation.

Sec. 6-73. - Severability clause.

Sec. 6-74. - Compilation.

Sec. 6-75. - Effective date.

Sec. 6-76. – Exemption for Licensed Research Facilities

### Sec. 6-70. - Penalty.

Except as provided in this chapter, violations of this chapter are punishable as provided in § 1-6 of the Bernalillo County Code.

(Ord. No. 2013- )

### Sec. 6-71. - Suspensions, revocations of permits.

a. When the *county manager* discovers that a permitted *premises* is in violation of this chapter, he shall give notice of the violations to the permit holder, operator or *person* in charge by means of an inspection

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report or other written notice. The notification shall:

1. Set forth each specific violation.
  2. Establish a specific and reasonable period of time for the correction of the violation.
  3. State that failure to comply with a notice issued in accordance with the provisions of this chapter may result in immediate suspension or revocation of the permit.
  4. State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the *county manager* within five days of receipt of the notice.
- b. Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the *person* in charge, or sent by registered or certified mail to the last known address of the permit holder.
- c. Permits may be suspended for failure of the holder to comply with the requirements of this chapter or other applicable laws, ordinances or regulations. The suspension may be lifted when the *county manager* determines the violations have been corrected.
- d. Permits may be revoked for serious or repeated violations of the requirements of this chapter, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the *county manager*, upon suspension or revocation.
1. A *person* whose permit has been suspended may apply for an inspection of the *premises* for the purpose of reinstating the permit. If the applicant and the site are in compliance with the requirements of this chapter and all other applicable laws, ordinances and regulations, the permit shall be reinstated. The reinstated permit shall expire on the date of expiration of the previously-suspended permit.
  2. If an exotic or wild *animal* permit is suspended or revoked, all *animals* received, purchased, owned or kept under the authority of the permit shall be surrendered to the *county manager* for impoundment. After a period of at least seven days, if the violations of this chapter which resulted in suspension or revocation of the permit have not been corrected, the *county manager* may sell or dispose of the *animal(s)* as provided in this chapter. The applicant may appeal the suspension or revocation in the manner provided in section 6-74 of this chapter.

(Ord. No. 2013- )

**Sec. 6-72. - Appeal procedures for permit denial, suspension or revocation.**

- a. A *person* whose application for a permit or permit renewal has been approved on condition or denied and a permit holder whose permit has been suspended or revoked, may submit to the *county manager* a written request for a hearing. The written request must be received within five days of the applicant's receipt of the written notice from the county. The hearing shall be conducted within a reasonable time after the *county manager* receives the request for a hearing.
- b. Hearings shall be conducted by a hearing officer at a time and place designated by the *county*



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*manager* and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time and place of the hearing shall be mailed to the applicant and the *county manager*.

c. The applicant shall be afforded a fair hearing which provides the basic safeguards of due process which shall include:

1. The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the *county manager* that are relevant to the hearing. Any document not made available by the *county manager*, after written request by the applicant, may not be relied upon by the *county manager* at the hearing.
2. The right to be represented by counsel or other *persons* chosen as his representative.
3. The right to present evidence and arguments in support of his appeal to controvert evidence relied on by the *county manager*, and to confront and cross-examine all witnesses on whose testimony or information the *county manager* relies.
4. A decision based solely and exclusively upon the facts presented at the hearing.

d. The hearing officer shall prepare a written report of his findings and decision within ten days after the hearing and shall provide copies to the parties.

(Ord. No. 2013- )

**Sec. 6-73. - Severability clause.**

If any section, paragraph, sentence, clause, word or phrase of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter. The commission hereby declares that it would have passed this chapter and each division, section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

(Ord. No. 2013- )

**Sec. 6-74. - Compilation.**

This chapter shall be incorporated in and compiled as part of the Revised Ordinances of the Bernalillo County Code.

(Ord. No. 2013- )

**Sec. 6-75. - Effective date.**

This chapter shall take effect 180 days after final adoption by the county commission.

(Ord. No. 2013- )

**6-76. - Exemption for Licensed Research Facilities.**



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The provisions of the Bernalillo County Animal Care Services Ordinance do not apply *to research facilities* licensed pursuant to the provisions of [7 U.S.C. Section 2136](#), except when knowingly operating outside provisions governing the treatment of animals of a research or maintenance protocol approved by the institutional animal care and use committee of the facility. If the facility is found to knowingly act outside these protocols the County may enforce its anti-cruelty provisions as allowed under § 30-18-1, NMSA.

(Ord. No. 2013- )

State Law Reference-- NMSA 1978, § 30-18-1

Federal Law Reference-- 7 USC § 2136

## BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BERNALILLO

\_\_\_\_\_  
Maggie Hart Stebbins, Chair

\_\_\_\_\_  
Debbie O'Malley, Vice Chair

\_\_\_\_\_  
Art De La Cruz, Member

\_\_\_\_\_  
Lonnie C. Talbert, Member

\_\_\_\_\_  
Wayne A. Johnson, Member

APPROVED:

\_\_\_\_\_  
Randy M. Autio, County Attorney

Date: \_\_\_\_\_

BERNALILLO COUNTY CODE  
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ATTEST:

\_\_\_\_\_  
Maggie Toulouse Oliver, County Clerk

Date: \_\_\_\_\_



# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: County Manager  
 Prepared By: Connie Gilman  
 Director: Tom Zdunek  
 DCM:  
 Sponsors: De La Cruz

**Title:** Arts Board Appointments - District 2

## **Action:**

Motion to approve the appointments of Ron Romero and Leo Korte to the Arts Board representing Commission District 2.

## **Summary:**

Bernalillo County Code Chapter 18, Article II created the Arts Board. The Board is comprised of 10 members whose terms shall be for three years. The intent of this Board is to promote and encourage private and public programs to further the development of public awareness of and interest in the arts and cultural properties, to increase employment opportunities in the arts and to encourage the integration of art into the architecture of County structures.

Mr. Romero's attended UNM School of Architecture, UNM School of Architecture Graduate School for one year and three years at UNM Architecture Design and Planning Assistance Center. His experience includes Instructor UNM Architecture-Appropriate Technology, Graduate student Instructor in solar retrofit, D.H. Lawrence Ranch Renovation, Instructor UNM School of Architecture-Appropriate, Technology Class-wetlands construction, Licensed General Contractor - Twenty-Eight (28) years GB98, 172 Remodel/Rehab, Forty-Three (43) Historic Preservation/Restoration Projects.

Mr. Romero has been involved in several memberships and standing committee appointments such as Landmarks and Urban Conservation Commission, City of Albuquerque, Greater Albuquerque Housing Partnership, Youth Build New Mexico, NM Heritage Preservation Alliance, Albuquerque Conservation Association, Working Classroom Inc., Homeless Advocacy Coalition, Operations Committee, City of Albuquerque Committee on Homelessness, United South Broadway Board, Vecinos Del Bosque Neighborhood Association, President, Barelás Neighborhood Association, Sawmill Land Trust Board Member, Big Brothers-Big Sisters, Women's Community Association (Shelter) Building Committee, Barelás Community Coalition, Sawmill Land Trust - Expansion Committee and the City of Albuquerque- Rail yards Advisory Board. Mr. Romero's term will be for 3 years be expiring November 12, 2016.

Mr. Leo Korte experience was 2006-2007 at law Office of Daniel Salazar, Interpreter for Federal illegal re-entries (C.C.A. Torrance County Facility) Defending inmates, plea agreements. From 2002-2003 he worked at the Law Office of Cloyd Hinkle, Research

and Investigation. From 1997-2007 he worked for Korte Publishing: writer, publisher, and adopted publications for Department of Education, Book titles: *Mythological Expressions of Southwestern Design, Southwestern Healing Arts, and Sacred Passage*. From 1981-1982 he worked at the Law Office of Vince D'Angelo, Research and Investigation. From 1975-1981 he was a Restaurant Proprietor, at Senior Korte's, Portland, Oregon. From 1975-1977 he worked at the Law School Lewis and Clark Community College, Portland, Oregon. From 1973-1975 he worked at the Law office of Vince D'Angelo, Research and Investigations. From 1970-1972 he worked as a Supervisor at the Juvenile Detention Home. He has also been endorsed by Ernesto Romero, District Court Judge, and also by Ross Sanchez, District Court Judge. Mr. Korte's term will be for 3 years be expiring November 12, 2016.

### **Attachments:**

- Leo Korte Resume Arts Board (PDF)
- RON ROMERO Resume (DOCX)

### **Staff Analysis Summary:**

Board of County Commissioners      Yvette Chavez Pending

LEO KORTE  
 2817 Viola SW  
 Albuquerque, NM 87105  
 505 • 934-8737  
 D.O.B. 4/15/1949

### RESUME

- 1970-1972  
Supervisor, Juvenile Detention Home
- 1973-1975  
Law Office of Vince D'Angelo, Research and Investigation
- 1975-1977  
Law School Lewis and Clark Community College, Portland, Oregon
- 1975-1981  
Restaurant Proprietor, "Senor Korte's", Portland, Oregon
- 1981-1982  
Law Office of Vince D' Angelo, Research and Investigation
- 1997-2007  
Korte Publishing: writer, publisher, adopted publications for  
Department of Education, Book titles: Mythological Expression of  
Southwestern Design, Southwestern Healing Arts, Sacred Passage
- 2002-2003  
Law Office of Cloyd Hinkle, Research and Investigation
- 2006-2007  
Law Office of Daniel Salazar, Interpreter for Federal illegal re-entries  
(C.C.A. Torrance County Facility) Defending inmates, plea  
agreements

#### Reference:

- Rod Pacheco, District Attorney of Riverside, California; family  
relative

#### Endorsements:

- Ernesto Romero, District Court Judge
- Ross Sanchez, District Court Judge



STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT

ROSS C. SANCHEZ  
DISTRICT JUDGE

POST OFFICE BOX 488  
ALBUQUERQUE, NEW MEXICO 87103  
505-841-7476  
FAX: 505-841-5458

March 10, 2010

Nomination Committee for the Governor's Arts Award:

This letter is being written in support of Mr. Leo Korte's nomination as an outstanding contributor to the arts environment in New Mexico. Mr. Korte is himself, a renaissance man, who sees life as art. His love and "eye" for art is reflected in all of his endeavors.

He has published several art books, showcasing many local artists and native healers to convey the rich beauty of New Mexico. The books highlight the New Mexico culture and traditions as well as the rich spiritual and healing communities of the Native Americans and Hispanic people. The books feature an internationally respected medicine man and local Curanderas (Hispanic healers). The books were adopted by the State of New Mexico's Department of Education and hundreds were donated by Mr. Korte to local schools around the state of New Mexico. hundreds of books have been donated to many local non-profits providing "give aways" and raffle items. Recently over 200 books were donated to Albuquerque Little Theater's Candy Cane Fun Run which supported the theater and Toys for tots. Over the years, local businesses have purchased these beautiful books to give as gifts to their employees.

Classes at UNM invited Mr. Korte to speak on his approach to publishing his books, which have combined the themes of literature, art and matters of a spiritual nature. There has been great interest in where the inspiration and message of reason came from and how it culminated in the books.

Mr. Korte opened and managed a restaurant and art gallery in Portland, Oregon where he brought New Mexican art and cuisine to the Pacific Northwest. The gallery featured artists from all over the Southwest and food of the Southwest, providing a uniquely "southwestern art" experience in the heart of the arts district of downtown Portland.

A further testament of Mr. Korte's artistic nature is in the construction of his home, a masterpiece, built from the frame of a barn which he has integrated the grand openness and architectural beauty of the Hispanic and Native American styles. His home features a kiva fireplace, high vega ceilings, adobe walls, brick floors, a majestic sandstone rock fireplace and a

Attachment: Leo Korte Resume Arts Board (3184 : Arts Board Appointments District 2)

stately portal that welcomes and protects the entrance of the home nestled in the South Valley on 8 acres of farm land. Mr. Korte built the home himself with his uniquely creative and inspiring nature. In his home, he displays exquisite art pieces that have been collected from all around the world.

These accomplishments and his way of life indicate to me the worthiness of Mr. Korte being considered as a nominee for the Governor's Art Award.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross C. Sanchez", written over a horizontal line.

Ross C. Sanchez  
District Judge  
Division VIII

## A Biography of Leo Korte

A native of New Mexico, born in Roswell, Leo found a quality of life early though the different cultures of New Mexico. After graduating from Albuquerque High School, Leo returned from the navy and studied philosophy, anthropology, and astrology at the University of New Mexico and later worked at the Juvenile Detention Home.

He started buying, selling, and collecting old pottery, rugs, and trading with the nearby pueblos. In doing so he studied and lived the mystical world of the Anasazi while taking note of each spiritual significance etched on rare chards and pottery. His studies lead him to the great Northwest where he collected weavings of the Nez Pierce Indians and collected fine baskets. He then opened a gallery, "The Grand Tour Gallery" as he started to represent leading artists and collect folk art. He also opened a southwestern restaurant and consigned a leading artist to paint a mural of Taos Pueblo, which surrounded all four walls. Upon his return to the Southwest he found the spiritual empowerment of the horse and trained, raced, and rode in several spaghetti westerns.

The vision became much clearer to write and publish a spiritual message of the path of life. Leo began to interview many artists who had a message of life through their different medians. He then enhanced history, romance, and a spiritual message. The combination of history, art, and literature created a social-cultural literacy book. The University of New Mexico adopted it to teach teachers how to use these elements to create theme and combined them with a spiritual message of life, a path, which we can all follow. Later the Department of Education adopted the book for all the schools, museums, and libraries. This book was entitled, "Southwestern Healing Arts." Another book later surfaced entitled, "The Mythological Expressions of Southwestern Design" that reflected history and the studies of nineteen pueblos throughout New Mexico. Again Leo incorporated two artists to create an art therapy book and the healing arts. Each book; a work of art, is designed to connect several levels of life quoted by his book *The mythological Expressions of Southwestern Design*, "the daily fragmentations of our lives, the conflicts and hardships create the illusion that we are all separate beings struggling to maintain our own corner of the universe. Only when we begin to realize there is a bond between every living creature will we strive for a life in balance and live consciously in our interconnectedness-indeed one world, one life. Perhaps the most powerful communication of these forces comes through the artist."

This year Leo is creating a new book that reflects the balance and imbalance of life, and creating a meditation garden on his eight acres in the South Valley.



# County of Bernalillo

State of New Mexico

12.A.a

## BOARD OF COUNTY COMMISSIONERS

ART DE LA CRUZ, CHAIR  
DISTRICT 2

MAGGIE HART STEBBINS, VICE CHAIR  
DISTRICT 3

ALAN B. ARMIJO, MEMBER  
DISTRICT 1

MICHAEL C. WIENER, MEMBER  
DISTRICT 4

MICHAEL BRASHER, MEMBER  
DISTRICT 5

THADDEUS LUCERO, COUNTY MANAGER



ONE CIVIC PLAZA N.W. 10th FLOOR  
ALBUQUERQUE, NEW MEXICO 87102  
ADMINISTRATION 505-468-7000  
FAX 505-462-9813

KAREN L. MONTOYA, ASSESSOR  
MAGGIE TOULOUSE OLIVER, CLERK  
MERRI RUDD, PROBATE JUDGE  
MANUEL GONZALES III, SHERIFF  
PATRICK J. PADILLA, TREASURER

March 11, 2010

New Mexico Arts  
Attn: GAEA Nominations  
P. O. Box 1450  
Santa Fe, NM 87504-1450

Nomination Committee for the Governor's Arts Award:

Please accept this letter in support of Mr. Leo Korte's nomination for the Governor's Arts Award.

In a word, Mr. Korte can be described as a local Bernalillo County South Valley "Renaissance" man. His accomplishments in the area of art (multiple mediums), poetry, literature and understanding of traditional culture are expansive.

He is also a teacher! Because of his knowledge of Hispanic Value Concepts i.e. Honor, La Tierra, Love of Beauty, Respecto and La Familia, he is called upon by the community to share them with others. His roots relative to the Art's and community run deep.

He lives and breathes Art on a daily basis and rightfully deserves every consideration for this prestigious award.

Respectfully,

John P. Dantis

Deputy County Manager

Attachment: Leo Korte Resume Arts Board (3184 : Arts Board Appointments District 2)

**RON ROMERO, INC.****N.M. Lic. #027882 GB-98 GB-02****511 Marble N.W.****Albuquerque, NM 87102****505-269-5383 505-242-5761 fax****QUALIFYING PARTY: Ron J. Romero**

**Education:** UNM-School of Architecture  
 UNM-School of Architecture Graduate School one (1) Year  
 Three (3) years in UNM Architecture Design and Planning  
 Assistance Center

**Experience:**

- **Instructor UNM Architecture-Appropriate Technology Class: Graduate student Instructor in solar retrofit: D.H. Lawrence Ranch Renovation**
- **Instructor UNM School of Architecture-Appropriate Technology Class-wetlands construction**
- **Licensed General Contractor – Twenty-Eight (28) years GB98**
- **172 Remodel/Rehab**
- **Forty-Three (43) Historic Preservation/Restoration Projects**

**Memberships and Standing Committee Appointments:**

- **Landmarks and Urban Conservation Commission, City of Albuquerque – Board Member – Chairman**
- **Greater Albuquerque Housing Partnership – Board Member - Chairman**
- **Youth Build New Mexico – Board Member**
- **NM Heritage Preservation Alliance – Board Member-co-founder**
- **Albuquerque Conservation Association – Board Member**
- **Working Classroom Inc. – Board Member – Chairman**
- **Homeless Advocacy Coalition – Member – Operations Committee**
- **City of Albuquerque Committee on Homelessness – Committee Member**
- **United South Broadway – Board Member**
- **Vecinos Del Bosque Neighborhood Association – Founder – Board Member – President**

- Barelas Neighborhood Association – Board Member
- Sawmill Land Trust – Board Member
- Big Brothers-Big Sisters – Board Member
- Women’s Community Association (Shelter) – Building Committee
- Barelas Community Coalition – Board Member – President
- Sawmill Land Trust – Expansion Committee Chairperson
- City of Albuquerque- Rail yards Advisory Board

### **Volunteer Projects:**

1.     **Work:**        Work in Guatemala to design and develop earthquake resistant housing and potable water systems.
2.     **Work:**        Peanut Butter & Jelly Pre-School Inc., 1101 Lopez Rd. S.W., Albuquerque. 1500 sq.ft Classroom / Office-Passive Solar, Addition & Remodel of Historic Site.
3.     **Work:**        Youth Development Center, 6013 Sunset Gardens, Albuquerque, Addition/Remodel of Game Room (831-5406)
4.     **Work:**        La Cooperativa (La Clinica de Pueblo), Tierra Amarilla 7,000 sq.ft. Multipurpose Cooperative Building, 1,400 sq. ft. Maternity Building/1,000 sq. ft. Dental building.
5.     **Work:**        Peanut Butter & Jelly Pre-School Inc. 1101 Lopez S.W., Playground.
6.     **Work:**        Peanut Butter & Jelly Pre-School, Annual Christmas Fundraiser, both schools.
7.     **Work:**        Big Brothers/Big Sisters, 1529 Eubank N.E. Big Brother. (3 little brothers). Board Member
8.     **Work:**        Youth Diagnostic and Development Center, 4000 Edith N.E., Volunteer Instructor - Body Building/Diet/Nutrition
9.     **Work:**        St. Francis Childcare Center, 902 Las Lomas Rd. N.E.,



# Board of County Commissioners (BCC)

**Meeting: 11/12/13 05:00 PM**

Department: Board of County Commissioners

Prepared By: Yvette Chavez

Director: Tom Zdunek

DCM:

Sponsors: Hart Stebbins, Johnson

**Title:** Appointment to the University of New Mexico Hospital Board of Trustees

## **Action:**

1. Present nominations.
2. Motion to confirm the appointment to the University of New Mexico Hospital Board of Trustees.

## **Summary:**

The lease agreement between the County and the University of New Mexico Board of Regents for the lease and operation of County owned health facilities was executed in November 1999 and designated operation to the UNMH Board of Regents. Section V. "Governance" establishes a nine-member governing board. The County has the authority to appoint two members. Each of the members can serve two consecutive three-year terms. The Health Sciences Clinical Operations Board brings continuity to the fiscal issues and ensures that mental health and substance abuse programs are represented by County members on the Board. Staff received a resignation letter from Ms. Roxane Spruce Bly. Her Has submitted her resignation. This appointment is to fill her unexpired term ending April 11, 2014. The appointee would then be eligible to serve his or her first full term.

Commissioner Hart Stebbins requests the appointment of Leah Steimel to the UNMH Board of Trustees. Ms. Steimel has a Master's in Public Health from Tulane University and a Bachelor's of Social Work from Avila College. From May 2011 to August 2013 Ms. Steimel was the Director to Urban Health Partners at the University of New Mexico Health Sciences Center where she established this office with a focus on urban health improvement and community relations as a result of reorganization and new program implementation. Guided an extensive participatory planning process to adapt the model to local needs and define county-wide goals for health improvement. Hired and supervised professional and administrative support staff, independent consultants, and student interns. Developed and monitored an annual budget of nearly \$1 million. Directed IRB-approved research to explore care patient centered medical home experiences for vulnerable, uninsured adults in Bernalillo County. Served as a team member with diverse faculty members to design and implement three courses at UNM, including; *Health Equity: Introduction to Public Health*; *Designing Health Communities*; and *Roots of Poor Health & Action at the Local Level*. From June 2006 to May 2011 she was the Director to the Office of Community Affairs at the University of New Mexico Health Sciences Center.

Commissioner Johnson requests the appointment of Christine Glidden to the UNMH Board

of Trustees. Specialties Ms. Glidden holds is helping individuals and families transfer the family estate with harmony and commitment by avoiding the disagreements and fees that may follow the passing of a loved one. With over twenty years in the mental health field as a licensed psycho-therapist with a specialty and certificate in addictions and years of experience in women's issues, Christine brings understanding and insight to her work. From September 2012 to present Ms. Glidden has been a Foundation Member at Anderson Abruzzo International Balloon Museum Foundation. From October 2011 - Present she is also an Associate at Wealth Management. She works with individuals and families to insure that estate transfer occurs in the presence of an established family mission agreement. Values, beliefs and visions are developed by family members so that the estate is used in the same way it was created. Heirs are prepared to make use of the estate in a way that protects it and disseminates it for the good of the entire family for generations to come. From July 2010 to Present she is an Honorary Commander at Kirtland Air Force Base. As an Honorary Commander by Colonel Maness of Kirtland Air Force Base in July 2010, she was assigned to the Army Corps of Engineers, SW Division and Colonel Antoinette Gant. Her mission is to introduce others to their respective circles of activity and influence so that they can better understand the local culture. She speaks intelligently about the Corps.

### **Attachments:**

- Leah Steimel Resume\_9\_2013 (PDF)
- UNMH ChristineGlidden Resume Nov 2013 (PDF)

### **Staff Analysis Summary:**

Board of County Commissioners      Yvette Chavez Pending

**LEAH STEIMEL**  
**332 Cardenas Dr. NE**  
**Albuquerque, New Mexico 87108**  
**(505) 563-0377 cell; (505) 268-9358 home**  
**e-mail: [leahsteimel@yahoo.com](mailto:leahsteimel@yahoo.com)**

## **EDUCATION:**

### **Master's in Public Health**

Tulane University  
 School of Public Health & Tropical Medicine

New Orleans, Louisiana  
 1989

### **Bachelor's of Social Work**

Avila College  
 School of Social Work

Kansas City, Missouri  
 1982

## **EXPERIENCE:**

### **Director, Urban Health Partners University of New Mexico Health Sciences Center Office for Community Health**

Albuquerque, New Mexico  
 May 2011 –Aug 2013

Established this office with a focus on urban health improvement and community relations as a result of reorganization and new program implementation duties. Oversaw the implementation of the “Pathways to a Healthy Bernalillo County” program based on a national model for community based care coordination for vulnerable populations, now in Year 5 of implementation. Guided an extensive participatory planning process to adapt the model to local needs and define county-wide goals for health improvement. Hired and supervised professional and administrative support staff, independent consultants, and student interns. Developed and monitored an annual budget of nearly \$1 million. Directed IRB-approved research to explore care patient centered medical home experiences for vulnerable, uninsured adults in Bernalillo County. Served as a team member with diverse faculty members to design and implement three courses at UNM, including; *Health Equity: Introduction to Public Health; Designing Healthy Communities; and Roots of Poor Health & Action at the Local Level.*

### **Director, Office of Community Affairs University of New Mexico Health Sciences Center Office of the Chancellor (formally titled Office of the Executive Vice President)**

Albuquerque, New Mexico  
 June 2006 – May 2011

Directed the start-up of this new office to support the Executive Vice President in his commitment to establish long term, positive community relations, particularly in matters related to uninsured and vulnerable populations. Created the Patient Ombudsman role for Health Sciences Center. Hired and supervised professional staff, consultants, and students. Participated in executive-level strategic planning activities for the Health Sciences Center. Interacted regularly with senior level medical faculty and UNM Hospital administrators to analyze programs and initiatives and respond to community concerns. Took actions to improve institutional understanding of urban Native American and immigrant health issues and co-designed a communication campaign targeting underserved populations. Organized and facilitated four community tours for UNMHSC leaders, including one youth health-focused tour. Promoted the founding of the UNM Hospital Native American Health Services Office. Promoted and assisted in the establishment of numerous venues for sharing data and receiving community input across the Health Sciences Center. Introduced a national model for community based care coordination for vulnerable adults and gained institutional support for devising a funding mechanism for the program, in collaboration with county and state elected officials, and community partners.

### **Executive Director Villa Therese Catholic Clinic**

Santa Fe, New Mexico  
 May 2004– May 2006

Responsible for all aspects of administration of this free health clinic in operation for over 70 years. Duties included recruitment and coordination of volunteer medical providers; supervision of nursing staff; interaction with medical, dental and pharmacy directors; database design; budget development, bookkeeping and financial reporting; licensure compliance for medical, dental and pharmacy areas of clinic; grant writing and reporting; and strategic planning. Maintained strong communication and working relations with the Board of Directors. Implemented technical consultant contracts. Introduced communication tools and training venues for staff and volunteers to encourage a positive and equality-based relationship with

LEAH STEIMEL, MPH

PAGE 2

**Executive Director (continued)**  
Villa Therese Catholic Clinic

Santa Fe, New Mexico  
May 2004– May 2006

the client community, and revised clinic policies to reflect this emphasis. Provided advocacy services for families and patients; promoted policy changes at local institutional and state governmental levels to improve access to health services for very low income uninsured families. Established new credentialing and privileging procedures and successfully obtained federal tort claims waiver of malpractice liability for volunteer clinic providers.

**Director**  
Community Health Partnership  
New Mexico Voices for Children

Albuquerque, New Mexico  
December, 2000–May, 2004

Responsible for oversight of programs, budget, staff and volunteers for a community health council serving the needs and interests of the immigrant community in southeast Albuquerque. Provided leadership, fundraising, and planning support to the council and Board of Directors. Coordinated training, leadership development, research and technical assistance aimed at building community capacity to influence improved health and quality of life for immigrants. Oversaw the implementation of a federally funded HIV and Substance Abuse Prevention project working with Mexican immigrant community members to conduct assessment and planning. Coordinated an extensive analysis with immigrants and health providers to identify barriers to access and utilization of local family planning services. Facilitated the participation of immigrants in numerous community health planning venues with state and city officials, health providers, and local agency representatives by arranging for interpreter services and advocating for meeting formats conducive to community participation.

**Community Development Specialist**  
New Mexico Prenatal Care Network  
University of New Mexico Health Sciences Center

Albuquerque, New Mexico  
Sep 1995 – Dec 2000

Provided technical assistance and coordination services to 24 communities and counties with County Maternal and Child Health Councils. Areas of assistance included community health assessment; program planning and development; information and resource provision; Board of Directors development; and advocacy. Provided support and guidance to establish a statewide association of county MCH councils for the purpose of influencing state policy related to MCH issues. Organized and coordinated training events focusing on maternal and child health issues, community organizing and program development. Identified public and private funding sources and assisted in developing funding proposals.

**International Projects Coordinator**  
Cambridge Consulting Corporation

McLean, Virginia  
October, 1994 - August, 1995

Provided backstop support to health related projects in Egypt and El Salvador. Recruited and coordinated short-term technical assistance; developed Scopes of Work; monitored employee and consultant contracts; reviewed, editing and disseminated consultant reports and other technical documents. Traveled to El Salvador on two occasions to assist in the closure of the project and wrote the final project report. Participated as a writer in proposal development for new international and domestic projects.

**Manager, Proyecto Materno-Infantil (PROMI)**  
CARE-Dominicana

Santo Domingo, Dominican Republic  
June, 1991 - June, 1994

Oversaw all aspects of project implementation for a community-based Maternal & Child Health/Family Planning project operating in 250 rural communities. Supervised a large team including field personnel, technical and administrative staff. Prepared and monitored a yearly budget of US\$1 million. Coordinated Title II commodity distribution component, project evaluations and technical consultancies. Prepared trimester and yearly donor reports for US/AID and other donors.

**Spanish Language Fluency**

Attachment: Leah Steimel Resume\_9\_2013 (3273 : Appointment to the University of New Mexico Hospital Board of Trustees)

# Christine Glidden

Foundation Member at Anderson Abruzzo International Balloon Museum Foundation

## Summary

Specialties: Helping individuals and families transfer the family estate with harmony and commitment by avoiding the disagreements and fees that may follow the passing of a loved one.

With over twenty years in the mental health field as a licensed psycho-therapist with a specialty and certificate in addictions and years of experience in women's issues, Christine brings understanding and insight to her work.

## Experience

### **Foundation Member at Anderson Abruzzo International Balloon Museum Foundation**

September 2012 - Present (1 year)

### **Associate at Wealth Management**

October 2011 - Present (1 year 11 months)

I work with individuals and families to insure that estate transfer occurs in the presence of an established family mission agreement. Values, beliefs and vision are developed by family members so that the estate is used in the same way it was created. Heirs are prepared to make use of the estate in a way that protects it and disseminates it for the good of the entire family for generations to come.

### **Honorary Commander at Kirtland Air Force Base**

July 2010 - Present (3 years 2 months)

As an Honorary Commander by Colonel Maness of Kirtland Air Force Base in July 2010 and I am assigned to the Army Corps of Engineers, SW Division and Colonel Antoinette Gant. Our mission is to introduce each other to our respective circles of activity and influence so that she can better understand the local culture and I can speak intelligently about the Corps as I go about my daily business.

### **Board of Trustees, Chairperson at Albuquerque Museum of Art and History**

October 2007 - July 2012 (4 years 10 months)

### **Retirement Strategist at Glidden Financial Services**

January 2009 - October 2011 (2 years 10 months)

Promote and network the unique services of the firm by letting people know that their money can grow safely and steadily despite the current economic downturn. NM Insurance Agent #229293

*I recommendation available upon request*

### **President and Owner at High Desert Forge**

September 2000 - December 2008 (8 years 4 months)

Marketing and administration of a small women-owned metal fabrication shop. Promoted the business to two



international awards, Best Steel Project in NM 2006, two write-ups in Architectural Record, various other media attention including numerous TV spots, and winner of two Public Art RFP's including the largest Public Art Project in NM.

### **Manager, Employee Assistance Program at Lovelace Sandia Health System**

August 1991 - September 2000 (9 years 2 months)

Provided mental health services to 2000 employees, administered Drug and Alcohol Policy by referring, monitoring, and determining compliance for all employees including physicians, nurses, and pharmacists, provided organizational development services including conflict resolution, team work and communication, strategic planning, executive coaching, and problem administrator intervention.

*1 recommendation available upon request*

### **Manager, Employee Assistance Program at Ethicon**

June 1988 - June 1991 (3 years 1 month)

Provided mental health counseling and organizational development services to NJ facility and supported and visited five out of state locations.

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## Skills & Expertise

**Personal Counselling**  
**Organizational Development**  
**Executive Coaching**  
**Public Speaking**  
**Retirement Planning**  
**Small Business**  
**Leadership Development**  
**Investments**  
**Conflict Resolution**

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## Education

**Montclair State University**  
 MA, Sociology, 1973 - 1974

**Upsala College**  
 BA, English, 1970 - 1973

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## Honors and Awards

Honorary Commander, Kirtland Air Force Base

## Interests

Relationships with Money, Investing, Retirement Planning, Finance

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# Christine Glidden

Foundation Member at Anderson Abruzzo International Balloon Museum Foundation



## 2 people have recommended Christine

"Christine is an insightful person. Whenever I have had a conversation with Christine, she is always able to listen to my story professionally, with an expert ear and cut straight through to the heart of the issue. Then she offers a challenge to make a choice that will improve the situation. I can see how this skill can help her with her financial clients. I've had at least three major breakthroughs after these conversations. She completely lives the Be-Do-Have philosophy and can help others do the same! Camille Scielzi Life Coach The Take Action Guru"

— **Camille S.**, *Owner, Take Action Guru*, was with another company when working with Christine at Glidden Financial Services

"Chris is a bright, energetic person who I have had the occasion to work with and know for nearly 15 years. She is a great success at whatever she engages in."

— **Glen R. Smutz**, *Director, Business Information Systems, CIGNA, Lovelace Health Systems*, worked with Christine at Lovelace Sandia Health System

[Contact Christine on LinkedIn](#)



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: County Manager  
Prepared By: Yvette Chavez  
Director: Tom Zdunek  
DCM:  
Sponsors: O'Malley

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**Title:** Third Thursday Program-Albuquerque Museum

**Action:**

Presentation by Debra Romero with the Albuquerque Museum to discuss the Third Thursday Program.

**Summary:**



# Board of County Commissioners (BCC)

Meeting: 11/12/13 05:00 PM

Department: Deputy County Managers  
Prepared By: Maria Salazar  
Director: Vince Murphy  
DCM: Vince Murphy  
Sponsors: De La Cruz

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**Title:** Health Action New Mexico \$60,000 Funding Request

**Action:**

**Summary:**

**Attachments:**

- Health Action New Mexico Proposal (PDF)

**Mailing:** PO Box 460  
336 N Camino del Pueblo  
Bernalillo, NM 87004

**Tel:** (505) 867-1095  
**Fax:** (505) 867-1521

**Email:** [info@HealthActionNM.org](mailto:info@HealthActionNM.org)  
**Website:** [www.HealthActionNM.org](http://www.HealthActionNM.org)



Fall 2013

Health Action New Mexico has been working closely with the Center for Civic Policy to develop what we are calling a "Pledge to Enroll" campaign. The idea is simple: (1) contact Albuquerque consumers in Fall 2013 and take down their pledges to get enrolled in health insurance, and (2) send them a reminder postcard after that first point of contact, providing the details about where they can get enrolled.

We are focusing on 7 zip codes in Albuquerque: Tier 1 includes 87102, 87106, 87107, 87108 and 87121. Tier 2 includes 87104 and 87105. These neighborhoods were selected based on household income, to hone in on high concentration areas of consumers who are likely eligible for the Medicaid Expansion.

Our goal is to reach 25,000 consumers through direct contact between November and January. We will collect detailed information for each contact, including address and voter registration status. This data will be stored for later use, particularly for subsequent work on voter registration. This presents a unique opportunity for us to work with organizations who don't necessarily work on health care issues.

To make this a successful campaign, we need all hands on deck. To make this project happen:

- Financial support for the production of commit to enroll cards, flyers, fact sheets, and bilingual radio spots
- Donating volunteer time for door-knocking, community education and enrollment events or data entry
- Use of your organization's website, list-serve, and social media accounts for grassroots promotion of the Pledge to Enroll Campaign.

We would like to ask your help to have the Bernalillo County Commission fund the basic production costs to make this project happen in the neighborhoods within the county with highest concentration of uninsured. We would to see if you would consider the amount of \$60,000 to cover directly reaching 25,000 consumers and implementing a solid follow-up system with each committed consumer to get enrolled. We are certainly open to other ideas as well to ensure enrollment of the uninsured.

We're at a historic moment for New Mexico - over 400,000 New Mexicans will be able to get covered under new health insurance options! Your excellent leadership in support of the health of all of the residents of Bernalillo County is a critically important element in reaching this goal!

Sincerely,

*Barbara K. Webber*  
Barbara K. Webber,  
Executive Director

*Joe Martinez*  
Joe Martinez  
Community Outreach

Attachment: Health Action New Mexico Proposal (3289 : Health Action NM Funding Request)

## It's a new day for health care in New Mexico!

Starting in 2014, there will be brand-new options for low cost or no cost health coverage. New Mexico has several new ways that makes it easy and affordable to get insurance. Pledge to find out what health insurance option works best for you.

FIRST NAME MIDDLE INITIAL LAST NAME

ADDRESS

CITY STATE ZIP

EMAIL

PHONE (CELL? Y / N)

By filling out this postcard, you are granting permission to be contacted by our organization. Your information will not be sold.

I pledge to  
sign up  
for Health  
Insurance.

I will sign up for  
health insurance  
before March 31  
— by mid-  
February to see  
what my best  
option is!

# Take the pledge.

Let's get covered, New Mexico! Find your best option today:

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## Medicaid

On-line: [www.yes.state.nm.us](http://www.yes.state.nm.us)

Hotline: 1-888-997-2583

Your nearest enrollment site is:  
1711 Randolph Rd SE, ABQ 87106  
Mon-Fri 8:00 AM to 4:30 PM

## Marketplace

On-line: [www.bewellnm.com](http://www.bewellnm.com)

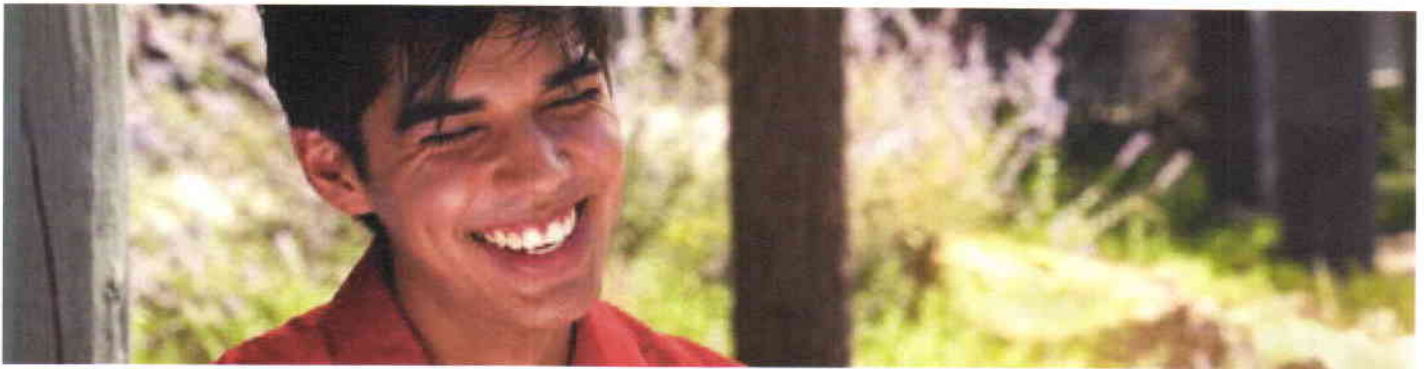
Hotline: 1-855-996-6449

TTY: 1-855-889-4325



If you are between the ages 19 and 64, see if YOU qualify for no-cost health insurance by filling out this

# Medicaid Expansion Checklist



If you check YES for all three questions below, you may be able to receive Medicaid health benefits starting January 1, 2014.

Check YES or NO for each question below:		YES	NO
1. Are you between the ages 19 and 64?			
2. Are you a U.S. citizen or lawfully present immigrant AND do you live in New Mexico?			
3. Is your household income LESS than one of these?			
Household size	Income per Month/Year		
1 person	Less than \$1,323/\$15,856		
2 people	Less than \$1,785/\$21,404		
3 people	Less than \$2,247/\$26,951		
4 people	Less than \$2,709/\$32,499		
5 people	Less than \$3,172/\$38,047		
6 people	Less than \$3,634/\$43,594		

Whether or not you checked all three boxes above, find out more at your local Income Support Division Office, community health clinic, or from the list below:

[www.HealthActionNM.org](http://www.HealthActionNM.org) - 1 (877) 867-1095  
[finder.HealthCare.gov](http://finder.HealthCare.gov)  
[www.SouthwestWomensLaw.org](http://www.SouthwestWomensLaw.org) - (505) 244-0502





## **It's a New Day for Health Care for New Mexico! Community Resources to Help You and Your Family Seek Enrollment in Health Coverage:**

No cost and low cost health insurance coverage will soon be available to uninsured New Mexicans! Lower income adults, ages 19-64, will soon be able to get full-coverage Medicaid. Other adults and families that do not qualify for Medicaid coverage will be able to get financial assistance to buy insurance through the health insurance marketplace. Enrollment for no cost or low-cost health care will be open from October 2013 to March 2014. Please don't wait to find out if you are eligible for low cost or no cost health insurance coverage!

Remember: You are not alone in learning about your health care options! This flyer has valuable information about enrollment. And, please, share this information with others!

### **Enrollment for Medicaid:**

- Medicaid's site is Yes New Mexico: <https://www.yes.state.nm.us/selfservice/>
- In-person application at state offices: Income Support Division offices statewide
- My mail: you can get applications from the web site: Yes New Mexico
- By telephone: 1 888 997 2583 for local Income Support Division offices
- Community-based enrollment specialists;

Eligibility note: If you find out you may not be eligible for Medicaid, you will be eligible for health coverage and possible discounts on premiums as well as a tax credits under the Health Insurance Marketplace.

### **Enrollment for Health Insurance Marketplace:**

- New Mexico's Health Insurance Exchange: <https://www.bewellnm.com/>
- In-person enrollment guides: check the web site above
- Call center assistance: 1 855 996 6449 [EN/SP]; [www.segueroquesinm.com](http://www.segueroquesinm.com)
- Community-based enrollment specialists

### **Consumer Assistance for Questions About Insurance Coverage and Claims:**

NM Superintendent of Insurance Consumer Assistance Program: 1-855-857-0972

### **You Are Not Alone Teams**

- Center on Law and Poverty: <http://nmpovertylaw.org/>
- SW Women's Law: <http://www.swwomenslaw.org/index.html> 505 244 0502
- Health Action New Mexico: [www.healthactionnm.org](http://www.healthactionnm.org) 505 867 1095

### **National websites that are very helpful and searchable:**

- [www.healthcare.gov](http://www.healthcare.gov) or [www.CuidadoDeSalud.gov](http://www.CuidadoDeSalud.gov)
- [www.familiesUSA.org](http://www.familiesUSA.org)
- Kaiser Family Foundation: <http://kff.org/health-reform/>

10-09-13